(g) if the occupier of the holding is exempted from assessment, a note to that effect.

The tax upon persons shall be payable in quarterly instalments by persons occupying holdings.

Such tax shall not be assessed or levied on any person in respect of the occupation of arable lands or of any building which is used exclusively as a place of worship.

Duration of assessment.

77. Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section one hundred and one is published, and shall be valid for three years and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended:

Provided that when this Act is extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published.

Assessment of public buildings.

78. In any Municipality in which the tax on persons is imposed, no tax shall be assessed on any person in respect of his occupation of any holding which is the property of Government and used for the purposes of a public building, but a rate of seven and a half per centum shall be assessed on the annual value of every such holding, to be ascertained in the manner prescribed by section and such rate shall be payable by the Government.

Procedure if aggregate amount of rates assessed on any person exceeds Rs. 84 per annum.

79. Whenever any tax shall have been assessed on any person, in respect of his occupation of two or more holdings, and the aggregate of the amount so assessed upon him shall exceed eighty-four rupees per annum, such person may, within fifteen days of the publication of the notice required by section one hundred and one, apply to the Commissioners to cancel such assessment, and to substitute for the total amount of tax so assessed upon him, in respect of the said holdings, a rate to be calculated at seven and a half per centum on the annual value of such holdings; and the Commissioners shall thereupon substitute such rate; and for the purpose of calculating the amount of such rate, shall determine the annual value of the said holdings in the manner prescribed by section.

Every rate imposed under this section shall be payable by the occupier of the holdings so rated.

Power of exemption.

80. The Commissioners may exempt from assessment any person who may by them be deemed too poor to pay the tax; but the name of the occupier of every holding shall be included in the assessment list, whether he be assessed or exempted from assessment.

Power to apply for reduction of assessment in altered circumstances.

81. Any person mentioned in the assessment list, who shall at any time after the publication thereof have ceased to occupy any holding, in respect of the occupation of which he has been assessed, or whose means and property in respect of which he has been so assessed shall have been reduced, may apply to the Commissioners to exempt him from his assessment or to revise the same.

Power to alter assessment.

82. The Commissioners may, at any time after the publication of the notice required by section one hundred and one, assess any person who was without authority omitted from the assessment list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which appears to them to be inadequate, and to have been so made owing to mistake or fraud.

Any assessment or enhancement made under this section shall take effect from the beginning of the quarter next following that in which such assessment or enhancement is made.

Procedure on change of occupation.

83 The Commissioners may at any time substitute for any name mentioned in the assessment list the name of any new occupier of a holding, and may assess the tax on such person, and such person shall be liable to pay such assessment from the date on which his occupation of the holding commenced.

Assessment on vacant holdings when to cease.

84. If any holding shall become vacant in the course of the year, the assessment on account of the occupation of such holding shall cease to have effect from the first day of the quarter next following that in which it became vacant.

Of the Rate on the value of Holdings.

Commissioners to determine the valuation of holdings.

85. When it has been determined that a rate shall be imposed on the annual value of holdings, the Commissioners, after making such enquiries as may be necessary, shall determine the valuation of all holdings within the Municipality as hereinafter provided.

Duration of assessment.

86. Save as is herein otherwise provided, such valuation shall be valid for three years from the date on which it first takes effect in the Municipality, and until the beginning of the year next after the date on which a new valuation may be made, or until the valuation be revised and amended.

Buildings exempted from tax.

87. The rate on the value of holdings shall not be assessed or levied on any holding which is used exclusively as a place of public worship, or which is duly registered as a burial or burning ground under section two hundred and sixty-five.

What returns may be required for ascertaining annual value.

88. The Commissioners, in order to prepare the valuation list, may, whenever they think fit, by notice, require the owners or occupiers of all holdings to furnish them with returns of the rent or annual value thereof, and the Commissioners, or any person authorized by them in that behalf,

at any time between sunrise and sunset, may enter, inspect, and measure any such holding after having given forty-eight hours' previous notice of their intention to the occupier thereof.

Penalty for default in furnishing return.

89. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required to do so, or knowingly makes a false or incorrect return, shall be liable to a fine not exceeding twenty rupees, and a further daily fine not exceeding five rupees for each day during which he shall omit to furnish a true and correct return; and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such holding, shall be liable to a fine not exceeding two hundred rupees.

Annual value of holding how to be ascertained.

90. The gross annual rent at which any holding may be reasonably expected to let, shall be deemed to be the annual value thereof, and such value shall accordingly be determined by the Commissioners, and entered in the valuation list.

Determination of rate of tax on holdings.

91. Subject to the provisions of section seventy-four, the Commissioners, at a meeting to be held before the close of the year next preceding the year to which the rate will apply, shall determine the percentage on the valuation of holdings at which the rate shall be levied, and the percentage so fixed shall remain in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year:

Provided that when this Act is first extended to any place, the first rate may be levied from the beginning of the quarter next after that in which the percentage has been fixed by the Commissioners at a meeting.

Preparation of valuation and rating list.

92. As soon as possible after the percentage at which the rate is to be levied on the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating list, which shall contain the following particulars, and any others which the Commissioners may think proper to include:—

(*a*) name of the street or road in which the holding is situated;

(*b*) number of the holding on the register;

(*c*) description of the holding;

(*d*) annual value of the holding;

(*e*) name of owner;

(*f*) amount of rate payable for the year;

(*g*) amount of quarterly instalment;

(*h*) if the holding is exempted from assessment, a note to that effect.

The rate upon holdings shall be payable in quarterly instalments by the owner of the holding.

Power to assess upon a house consolidated tax for house and land on which it stands.

93. If any house belongs to one owner, and the land on which it stands and the adjacent land which is usually occupied therewith, belongs to another, the Commissioners may value such house and land together and may impose thereon one consolidated rate.

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each, and such award shall be final.

Tax due from non-resident owner may be recovered from occupier and deducted by him from his rent.

94. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the Municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him:

Provided that no arrear of rate, which has remained due from the owner of any holding for more than one year, shall be so recovered from the occupier thereof.

Power of Commissioners in cases of excessive hardship.

95. Whenever, from the circumstances of the case, the levy of the rate on any holding in the Municipality would be productive of excessive hardship to the person liable to pay the same, the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same.

Application for reduction of assessment.

96. If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same.

Power to revise valuation and assessment.

97. The Commissioners may, at any time after the publication of the notice required by section one hundred and one, value and rate any holding which was without authority omitted from the valuation and rating list, or which has become liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake or fraud; and may re-value and re-assess that rate on any holding the value of which has been increased by additions or alterations to any building thereon.

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made.

Power to revise assessment list.

98. The Commissioners may at any time substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred.

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer.

Remission or refund on account of vacant holdings.

99. When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one-half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied;

Provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof.

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice.

Penalty.

100. Whoever, being the owner of any holding for which a remission or refund of the rate has been made under the last preceding section, fails to give notice of the re-occupation of such holding within ten days of such re-occupation, shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding

Of general provisions relating to the tax on persons and the rate on holdings and to the recovery of the same.

Publication of notice of assessments.

101. When the assessment list of the tax upon persons or the valuation and rating list of the rate on the annual value of holdings shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in form (A) or the notice in form (B) of the first schedule (as the case may be) to be published in the manner prescribed by section three hundred and fifty-three.

Application for review.

102 Any person who is dissatisfied with the amount assessed upon him, or with the valuation or rating of any holding,

or who disputes his occupation of any holding, or his liability to be assessed, or rated,

may apply to the Commissioners to review the amount of assessment, valuation, or rating, or to exempt him from the assessment or rate.

Procedure upon review.

103. Every application presented under the last preceding section shall be heard and determined by not less than three Commissioners, who shall be appointed on that behalf by the Chairman. The Commissioners so appointed, after making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application.

The decision of such Commissioners, or of a majority thereof, in such cases shall be final.

Limitation of time for application of review.

104. Unless good cause shall be shewn to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiration of one month from the date of publication of the notice required by section one hundred and one relating to the list containing the assessment, valuation, or rating in respect of which the application is made, or after the expiration of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire

Assessment to be questioned only under Act.

105. No objection shall be taken to any assessment or rating, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other authority than in this Act is provided.

Office hours for payment of taxes.

106. By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money.

Tax payable in advance.

107. The amount due by any person on account of the tax on persons, or the rate on holdings, shall be deemed to be the amount entered in the lists the notice relating to which is published under section one hundred and one, unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due.

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

Receipts to be given.

108. For all sums paid on account of any tax or rate under this Act a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax-collector or by some other officer authorized by the Commissioners to grant such receipts.

Bill and notice of demand to be presented.

109. At any time within six months after any sum has become due on account of any tax or rate the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the said sum, which shall contain a statement of the period and of the tax or rate on account of which the charge is made.

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked (A) in the second schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time :

Provided that no charge shall be made in respect of the service of such notice.

Such notice shall be signed by the Chairman or an officer authorized in that behalf, and shall

be served by a person authorized to receive payment.

If not paid in fifteen days, process of distress may issue.

110. If any person, after service upon him of such bill and notice, shall not, within fifteen days of the service of such notice, or from the date of any order made on an application for review under section one hundred and three, pay the sum due, either to the Commissioners at their office, or to some person authorized by them to receive the money, or shew to the Commissioners sufficient cause for not paying the same, the amount of the arrear due, with costs on the scale shewn in the table of fees marked (B) in the second schedule, may at any time within three months after the date of service of the said notice, or of the order made on an application for review as aforesaid, be levied by distress and sale of any moveable property belonging to the defaulter, except ploughs, plough-cattle, tools, or implements of trade or agriculture, wherever found, or of any such moveable property, subject to the same exceptions, which may be found within the holding in respect of which such defaulter is liable to such tax or rate.

If the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Distress how to be made.

111. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked (C) in the second schedule.

Distress shall be made by actual seizure of moveable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof.

Such officer shall make an inventory of all moveable property seized under the warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the Municipality or Ward in which the property is situated, and by serving on the defaulter a notice in the form marked (D) in the second schedule:

Provided that if the property is of a perishable nature, it may be sold at once with the consent of the defaulter, or without such consent at any time after the expiry of six hours from the seizure.

Officer may break open door.

112. The officer charged with the execution of the warrant may, under the special order of the Commissioners, between sunrise and sunset, break open any outer or inner door or window of a house, in order to make the distress, if he has reasonable ground for believing that such house contains any moveable property belonging to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that he shall not enter or break open the door of any room appropriated for the zánaná, or residence of women, which, by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women.

Sale how to be conducted.

113. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure; or if unclaimed for a period of twelve months, shall be transferred to the Municipal Fund.

Return of sales.

The tax-collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked (E) in the second schedule.

Certain persons prohibited from purchasing at sales.

114. All officers and servants of the Commissioners, and all chaukidars, constables, and other officers of Police, are prohibited from purchasing any property at any such sale.

Commissioners to keep account of distresses and sales.

115. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made for the recovery of taxes under this Act.

Sale of property beyond limits of Municipality.

116. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the Municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Distress or sale not unlawful for want of form.

117. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any error, defect, or want of form in the bill, notice, summons, warrant of distress, inventory, or other proceeding relating thereto.

Commissioners may bring suit instead of distraining or on failure of distress.

118. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Irrecoverable taxes.

119. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable.

Of the Tax on Carriages, Horses, and other Animals.

Tax on carriages, horses, and other animals.

120. When it has been determined that a tax on carriages, horses, and other animals specified in the third schedule shall be

imposed, the Commissioners at a meeting shall make an order that every carriage, horse, and every other animal of the kind specified in the said schedule which is kept or habitually used within, or which is let for hire within or without the Municipality, and habitually used within it, shall pay the tax, and shall cause such orders to be published in the manner prescribed by section three hundred and fifty-three.

Such order shall be published at least one month before the beginning of the half-year in which such tax shall first take effect; and shall specify at what rates, not exceeding the rates given in the said schedule, such tax shall be levied.

But such tax shall not be imposed on—

(*a*) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer;

(*b*) animals exempt from any Municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to Government, or to the Municipality, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers;

(*d*) animals used by, or exclusively for the purposes of any regiment;

(*e*) horses or ponies used by police officers at the rate of not more than one for each officer;

(*f*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*g*) animals under eleven hands in height;

(*h*) carriages or animals kept for sale by any *bona fide* dealer in such carriages or animals, and not used for any other purpose.

Tax so fixed to continue in force until altered.

121. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year.

Licenses how to be obtained.

122. In any Municipality in which a tax has been imposed under the last preceding section, the owner of every carriage, horse, and other animal specified in the said schedule shall, within the first month of each half-year, forward to the Commissioners a statement in writing, signed by him, containing a description of the carriages, horses, and other animals liable to the tax for which he is bound to take out a license.

Such owner shall at the same time pay to the Commissioners such sum as shall be payable by him for the current half-year for the carriages, horses, and other animals specified in such statement, according to the rates specified in any order for the time being in force under the two last preceding sections.

Proportionate tax on carriages, &c., acquired during half-year.

123. If any person acquires possession at any time after the commencement of any half-year, of any carriage, horse, or other animal specified in the schedule in respect of which no license has been given for such half-year, he shall forward a statement as above required within one month of the date on which he may have acquired possession thereof, and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half-year as the unexpired portion of the half-year bears to the half-year; and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid.

On payment of tax Commissioners to give a license.

124. On receiving the amount of the tax due as aforesaid, the Commissioners, or some person authorised by them in that behalf, shall give to the person paying the same a license for the several carriages, horses, and other animals for the period in respect of which the amount is received.

Such license shall be for the current half-year and no longer.

Carriage, &c., liable to the tax although the owner be absent.

125. Whenever the owner of any carriage, horse, or other animal liable to pay the said tax is not resident within the limits of the Municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse, or other animal is for the time being kept shall take out a license for the same.

Penalty.

126. Whoever keeps or is in possession of any carriage, horse, or other animal without the license required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commissioners may compound with livery stable-keepers.

127. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections one hundred and twenty and one hundred and twenty-one.

List of persons licensed to be prepared.

128. The Commissioners shall from time to time cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom, during the then current half-year, a license has been given, and of the carriages, horses, and other animals in respect of which they have paid the tax

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

129. The Commissioners, or any person authorized by them in that behalf, may at any time between sunrise and sunset enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage, horse, or other animal liable to the tax for which a license has not been duly taken out.

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses, and other animals in respect of which such person is liable to be taxed.

Refund of tax in certain cases.

130. On proof being given to the satisfaction of the Commissioners that a carriage, horse, or other animal for which a license has been taken out for any half-year has ceased to be kept or to be used within the Municipality during the course of such half-year, the Commissioners shall order a refund of so much of the tax for the half-year as shall bear the same proportion to the whole tax for the half-year as the period during which such carriage, horse, or other animal has not been kept or used in the Municipality bears to the half-year; but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse, or other animal ceased, and the Commissioners shall pass no order for refund until after the close of the half-year in respect of which the refund is claimed.

Of the Registration of Carts.

Registration and number of carts.

131. The Commissioners at a meeting may make and publish an order that every cart, which is kept or habitually used within, or which is let for hire within or without the Municipality and habitually used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct:

Provided always that such order shall be published at least one month before the beginning of the half-year in which such order for registration shall be enforced.

This section shall not apply to carts—

(*a*) which are the property of the Government or of the Municipality;

(*b*) which are kept without the limits of the Municipality, and are only temporarily and casually used within such limits;

(*c*) which are kept in Howrah or within the Suburbs of Calcutta.

Fee for registration.

132. The registration of carts under the last preceding section shall be made, and the numbers assigned yearly or half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall from time to time fix and notify, not exceeding four rupees if the registration has effect for a year, and not exceeding two rupees if the registration has effect for half a year, shall be paid for each registration.

Proportionate payment of fee.

133. Any person becoming possessed of any cart which has not been registered for the then current period of registration, shall register the same within one month of the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period; and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

Transfer of ownership.

134. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Penalty.

135. Whoever keeps or is in possession of a cart not duly registered as required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable be him in respect of such registration, exclusive of the amount so payable; and whoever being thy owner or driver of any cart, shall fail to affix thereto the registration number as required by section one hundred and thirty-one shall be liable to a fine not exceeding five rupees.

Seizure and sale of unregistered cart.

136. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the animals drawing the same, and all police officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell such vehicle and animals by auction at such place as they may state in the notice; and if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period, shall be credited to the Municipal Fund:

Provided that if at any time before the sale is concluded the person whose cart has been seized shall tender to the Commissioners, or the person authorized by them to sell the cart, the amount of all the expenses incurred, and the registration fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any cart which has been seized under this section may be sold for the realization of any such fine.

Of Tolls on Ferries.

Existing public ferries.

137. The Local Government may, with the consent of the Commissioners, make over to the Commissioners any existing public ferry within or adjacent to the limits of the Municipality, to be administered by such Municipality until the Local Government shall otherwise direct.

Every ferry while so administered shall be deemed to be a Municipal ferry, and the profits derivable therefrom, or such part of the profits as shall be agreed upon between the Local Government and the Commissioners, shall be carried to the credit of the Municipal Fund.

Other ferries may be declared to be Municipal.

138. The Commissioners may also, with the sanction of the Local Government, declare that any other ferry within or adjacent to the limits of the Municipality is a Municipal ferry, and the profits derivable therefrom shall thenceforward be carried to the credit of the Municipal Fund:

Provided that due compensation shall be made by the Municipality to any person for the loss which he may have sustained in consequence of such ferry being declared to be a Municipal ferry.

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section four of Bengal Act I of 1866 (*to amend certain provisions of Regulation VI of* 1819), or any similar law for the time being in force.

Duties of Commissioners in regard to such ferries.

139. Every Municipal ferry shall be maintained by the Commissioners, and they shall do all things necessary to provide for the safety and convenience of travellers, and the safety of property to be conveyed on such ferry.

Rate of tolls to be established and published.

140. When it has been determined to impose tolls on Municipal ferries, the Commissioners at a meeting shall make and publish an order specifying the ferries, and, with the sanction of the Local Government, the rates at which such tolls shall be levied.

Such rates may from time to time be varied with the like sanction.

When persons crossing river not liable to toll.

141. No person shall be liable to pay any toll for crossing any river or stream at or near a Municipal ferry unless he avails himself of the means provided by the Commissioners for crossing such river or stream.

Cancellation of ferry lease, &c.

142. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once, if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners.

On the cancelment of a lease, the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until they can make arrangements for such other boats and appliances as may be necessary, in which case the Commissioners shall pay a fair price to the owners for the use of the said boats and appliances:

Provided that within a week of taking such possession the Commissioners shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently, or of the period during which they intend to retain them, as the case may be.

Toll must be prepaid.

143. Any collector or lessee of tolls, or his agent, may refuse to convey any person or goods across a Municipal ferry until the proper toll has been paid, and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it.

Any person who refuses to leave a Municipal ferry-boat or to remove his goods therefrom when required to do so under this section, shall be liable to a fine not exceeding ten rupees.

Keeping of unauthorised ferry.

144. No person shall keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below any Municipal ferry without the previous sanction,

of the Commissioners, if he plies within the limits of the Municipality,

of the Magistrate of the district, if without such limits,

or of the Magistrate of the district and the Commissioners if one of the two banks between which he plies is within, and the other bank is without, such limits.

This section shall not apply to any private ferry which may be in existence at the commencement of this Act.

Penalty.

145. Whoever keeps a ferry-boat contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

Of Tolls on Bridges and Roads.

Existing toll-bars.

146. The Local Government may, with the consent of the Commissioners, make over to the Commissioners any existing toll-bar within the limits of the Municipality, to be administered by the Municipality until the Local Government shall otherwise direct; every toll-bar while so administered shall be deemed to be a Municipal toll-bar, and the profits derivable from it, or such part thereof as shall be agreed upon between the Local Government and the Commissioners, shall be carried to the credit of the Municipal Fund.

Commissioners may establish toll-bar.

147. The Commissioners at a meeting, with the sanction of the Local Government, may establish a toll-bar and levy tolls on any bridge or metalled road which they may have constructed after the commencement of this Act, or at any place within the Municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or

road; and the profits derived therefrom shall be carried to the credit of the Municipal Fund:

Provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road, and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided.

Commissioners to publish expenses, &c., of toll-bars.

148. Whenever a toll-bar shall have been established, and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account shewing—

(1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same;

(2) the amount of interest which has accrued due thereon, at the annual rate of six per centum; and

(3) the amount which has been received from the profits of the said toll-bars since its establishment;

and as soon as such expenses and interest shall have been recovered as aforesaid, such toll-bars shall be removed, and tolls shall no longer be levied on such bridge or road.

Rates of tolls to be established and published.

149. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order with the sanction of the Local Government specifying the rates at which such tolls shall be levied.

Such rates may from time to time be varied with the like sanction.

Power of collector or lessee in case of refusal to pay toll.

150. Any collector or lessee of tolls may refuse to allow any person to pass through any Municipal toll-bar until the proper toll has been paid.

Penalty for refusing to pay or avoiding payment of toll.

151. Whoever having driven any vehicle or animal (not exempted from toll) through a toll-gate, refuses to pay the toll, or with intent to evade payment of the toll, fraudulently avoids passing through such toll gate, shall be liable to a fine not exceeding fifty rupees.

In case of non-payment of toll, vehicle, &c., may be seized and sold.

152. If the toll due on any vehicle or animal is not paid on demand, the person authorized to collect the same may seize such vehicle or animal, or any part of its burden, of sufficient value to defray the toll, and shall give immediate notice of such seizure to the Commissioners.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expriation of ten days they will sell the property seized by auction at such place as they may state in the notice; and if any toll, together with the cost arising from such seizure and custody remain undischarged for ten days after the issue of such notice, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period shall be credited to the Municipal Fund:

Provided that if, at any time before the sale has been concluded, the person whose property has been seized shall tender to the Commissioners, or the officer appointed by them to sell the property, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of any property seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any property which has been seized under this section may be sold for the realization of any such fine.

Of general provisions relating to Tolls on Ferries and Roads.

Lease of ferry or toll-bar.

153. The Commissioners may grant a lease of any Municipal ferry or toll-bar for any period not exceeding three years.

Table of tolls to be hung up.

154. A table of tolls legibly written in the vernacular of the district shall be hung up

in some conspicuous position at each end of every Municipal ferry,

and in some conspicuous position near every Municipal toll-bar, so as to be easily read by all persons required to pay the toll.

Penalty.

155. Whoever, being a toll-collector or lessee of a Municipal ferry or toll-bar, neglects to hang up a table of tolls as required by the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

Composition in respect of toll.

156. The Commissioners, or the lessee of any Municipal ferry or toll-bar, may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the ordinary toll payable.

Exemptions.

157. No tolls shall be paid for the passage of troops on the march, or of animals or vehicles employed in the transport of such troops,

or of military or Government stores, or the persons in charge of them,

or of military or police officers, or of any public or Municipal officer on duty, or of any person in their custody, or of any property belonging to them or in their custody, or of any vehicle or animal employed by such persons for the transport of such property,

or of conservancy carts or other vehicles, or animals belonging to the Commissioners, or of the persons in charge of them,

or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar, provided that tolls shall be leviable for conveying such animals over a ferry;

and the Commissioners or their lessees shall not be bound to allow any person or thing not specified above to cross a ferry or to pass a toll-gate without payment of the prescribed toll.

But the Commissioners at a meeting may exempt any other class of persons or things from payment of the said toll; and in granting a lease of any ferry or toll bar may stipulate that any Municipal servants and property and any other persons or things shall be allowed to pass without payment of the toll.

Police officers to assist.

158 In all cases of resistance to the person authorized to collect tolls, police officers shall assist when required, and for that purpose shall have the same powers as they have in the exercise of their ordinary police duties.

Penalty for taking unauthorized tolls.

159. Whoever, being authorized under this Act to collect tolls, demands or takes any higher tolls than the tolls authorized under this Act, shall be liable to a fine not exceeding fifty rupees, and in default of payment to one month's imprisonment.

Commissioners may be appointed to collect tolls in a navigable channel.

160. If the Local Government has declared that the provisions of the Canals' Act, 1864, or any other similar law for the time being in force, are applicable to any navigable channel which passes through the limits of a Municipality, it may, with the consent of the Commissioners, appoint the Commissioners to collect tolls as provided in section eight of the said Act until the LocalGovernment shall otherwise direct, and the profits derivable therefrom, or such part thereof as shall be agreed upon between the Local Government and the Commissioners, shall be carried to the credit of the Municipal Fund.

In such case the Commissioners shall exercise all the powers vested by such Act in the collector.

Local Government may order Commissioners to cease levying tolls.

161. The Local Government may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order:

Provided that reasonable compensation shall be paid by the Commissioners to any farmer or other person who has entered into a legal contract with the Commissioners for the collection of such tolls, and whose profits under such contract are diminished by an order of the Local Government passed under this section.

PART V.

MUNICIPAL REGULATIONS WHICH SHALL BE GENERALLY IN FORCE IN ALL MUNICIPALITIES.

General.

Operation of this Part.

162. The provisions of this Part shall be in force in every Municipality, unless and until the Local Government shall otherwise direct.

Local Government may order provisions of this Part to be not in force in a Municipality.

163. The Local Government may at any time make an order directing that all or any of the said provisions shall not be in force in any Municipality, or in any part thereof; and the provisions mentioned in such order shall cease to be in force in such Municipality or part thereof from the date specified in such order.

The Local Government may at any time cancel or modify any order made under this section.

Procedure, when owners or occupiers required to execute works by Commissioners.

164. Whenever it is provided in this Part or in Part VI that the Commissioners or the Commissioners at a meeting may require the owners or the occupiers, or may require the owners and the occupiers, of any land to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections three hundred and fifty-five and three hundred and fifty-six, on every owner or occupier who is required to execute such work or to do such thing; but if there be any doubt as to the persons who are owners or occupiers, such requisition may be made by a notification to be posted up, on, or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers, or requiring the owners and occupiers to execute such work or to do such thing within a specified time; and in such notification it shall not be necessary to name the owners or occupiers.

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that, if they fail to comply with the requisition, or to prefer an objection against such requisition as provided in the next succeeding section, the Commissioners will enter upon the land and cause the required work to be executed, or the required thing to be done, and that in such case the expenses incurred thereby will be recovered from the persons who are required in such requisition to execute such work or do such thing.

Person required to execute any work may prefer objection to the Commissioners.

165. Any person who is required by a requisition as aforesaid to execute any work or to do anything, may, instead of executing the work or doing the thing required, prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition; or if the time within which he is required to comply with the requisition be less than five days, then within such less time.

Except as provided in the next succeeding section, such objection shall be heard and disposed of by the Chairman or Vice-Chairman.

Procedure if person objecting alleges that work will cost more than Rs. 300.

166. If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees, such objection shall be heard and disposed of by the Commissioners at a meeting, unless the Chairman or Vice-Chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice-Chairman:

Provided that in any case in which the Chairman or Vice-Chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice-Chairman, the person making the objection may, if the requisition made upon him is not withdrawn on the

hearing of his objection, pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or the thing required; whereupon such person shall be relieved of all further liability and obligation, in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof; and the Commissioners themselves shall execute such work, or do such thing, and shall exercise all powers necessary therefor.

Chairman, &c., may make order after hearing objection.

167. The Chairman or Vice-Chairman, or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record an order withdrawing, modifying, or making absolute the requisition against which the objection is preferred, and if such order does not withdraw the requisition, it shall specify the time within which the requisition shall be carried out, which shall not be less than the shortest time which might have been mentioned under this Act in the original requisition.

Order to be explained orally.

168. If the person making such objection be present at the office of the Commissioners, the said order shall be explained to him orally; and if such order cannot be so explained, notice of such order shall be served as provided in section three hundred and fifty-five on the person making the objection; and such explanation of, or service of, the notice of the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required.

Power of Commissioners on failure of person to execute work.

169. If the person or persons require to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed, the Commissioners or any person authorized by them in that behalf may, after giving forty-eight hours' notice of their intention by a notification to be posted up on or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers respectively, and by the owners and the occupiers, if such requisition was addressed to the owners and the occupiers.

Commissioners may apportion expenses among owners.

170. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such owners in such manner as to the Commissioners may seem fit.

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such occupiers in such manner as to the Commissioners may seem fit.

Apportionment among owners and occupiers.

171. Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section one hundred and sixty-nine, the Commissioners may apportion the said expenses among the said owners and occupiers in such manner as to the Commissioners may seem fit.

Recovery of expenses incurred or fee chargeable.

172. Any expenses incurred, or fee chargeable, by the Commissioners under this Part or Part VI, may be recovered from the person liable to pay the same as an arrear of tax under sections one hundred and nine to one hundred and eighteen (both inclusive).

The demand for such expenses or fee shall be made by notice at any time within three months from the date on which the amount thereof shall have been ascertained.

Occupier may recover cost of works executed at his expense from owner.

173. Whenever any works or any alterations and improvements of which the Commissioners are authorized by this Part or Part VI to require the execution, are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any Court of competent jurisdiction.

Liability to pay expenses or fees may be contested in Civil Court.

174. Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VI, or may contest the amount which he has been called upon to pay, in a Civil Court of competent jurisdiction;

Provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount in the manner provided by section one hundred and seventy-two.

Damages and compensation how to be determined.

175. Where any damages or compensation are by this Chapter directed to be paid by the Commissioners, the amount and if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by a Civil Court of competent jurisdiction.

Method of proceeding before the Court.

176. In any such case which is to be determined by such Court, such Court may on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, such Court may hear and determine such question, and, for that purpose may examine such parties or any of them, and their witnesses, on oath or affirmation, and the cost of every such inquiry shall be in the discretion of such Court, which shall determine the amount thereof.

Recovery of damages by distress.

177. If the amount of damages or compensation ascertained in the manner above described be not paid by the party

liable to pay the same within seven days after demand, such amount may be recovered under a warrant of such Court by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Of Offensive Matter, Rubbish, Privies, and Drains.

Establishments for removal of offensive matter and rubbish.

178. The Commissioners shall provide all establishments, cattle, carts, and implements required for the removal of offensive matter and rubbish.

Hours and mode of removal of offensive matter and rubbish.

179. The Commissioners at a meeting may, from time to time, by an order published as prescribed in section three hundred and fifty-three, appoint the hours within which it shall be lawful to remove offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily, or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act.

Mehters must give one month's notice if they leave the service of the Commissioners.

180. Whenever such order shall have been published, no mehter, nightman, or other servant of the Commissioners employed to remove or deal with offensive matter or rubbish, shall withdraw from his duties without the permission of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw.

Any mehter, nightman, or other such person who after the said publication withdraws from his duties without giving such notice as aforesaid, shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him.

Commissioners may appoint hours for placing rubbish on public road.

181. The Commissioners at a meeting may, from time to time, by an order published as prescribed in section three hundred and fifty-three, appoint the hours within which only every occupier of any house or land may place rubbish on the public road adjacent to his house or land in order that such rubbish may be removed by the Commissioners, and the Commissioners may charge such fees as they may think fit in respect of the removal of such rubbish, with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business.

Penalty.

182. Whenever any order, as provided in the last preceding section, shall have been published in a Municipality, every occupier of any house or land who shall place or who shall allow his servants to place rubbish on a public road at other than the appointed times, shall be liable to a fine not exceeding twenty rupees.

Penalty on occupier of a house not removing filth.

183. Whoever, being the occupier of a house in or near any public road, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Drains, privies, &c., under control of Commissioners.

184. All drains, privies, and cesspools shall be under the survey and control of the Commissioners.

Inspection of drains, privies, and cesspools.

185. The Commissioners or any officer authorized by them in that behalf, may inspect all privies, drains, and cesspools at any time between sunrise and sunset, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cesspools are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cesspools; and the expenses thereby incurred shall be paid by the owner or occupier of such premises.

Commissioners may direct the use of disinfectants or deodorants for such drains, privies, &c. as are in a noxious state.

186. Whenever the Commissioners are satisfied that the existence of such privy, drain, or cesspool is attended with risk of disease to the inhabitants of the neighbourhood, they may direct the use of such disinfectants or deodorants as they shall specify in such privy, drain, or cesspool in such quantities, or for such time as they shall think fit. The Commissioners shall, if necessary, themselves supply such disinfectants or deodorants for such use at cost price, and the expense thereby incurred shall be considered as a debt due, and be recoverable from the owner of such privy, drain, or cesspool.

Common privies.

187. The Commissioners may provide and maintain, in sufficient numbers and in proper situations, common privies and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

Licensing of public necessaries.

188. The Commissioners may license such necessaries for public accommodation as they from time to time may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn.

Penalty for not keeping drain, &c., in proper state.

189. Whoever, being the owner or occupier of any private drain, privy, or cesspool, shall neglect or refuse, after warning from the Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

Power to require owners to clear noxious vegetation and to improve bad drainage.

190. Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious

vegetation or jungle, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health, or offensive to the neighbourhood, the Commissioners may require the owners or occupiers, or the owners and occupiers of such land, within fifteen days, to clear and remove such vegetation or drain such land :

Provided that if, for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

191. Whoever, being an owner or occupier of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

All rubbish collected to be the property of Municipal Commissioners.

192. All rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cesspools, and other places, shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same ; and the money arising from the sale thereof shall be carried to the credit of the Municipal Fund.

Sewers, drains, &c., under control of the Commissioners.

193. All existing public sewers, drains, and other conservancy works, shall be under the direction and control of the Commissioners, who shall have power to construct any further works of that nature which they may consider necessary.

Of Bathing and Washing Places and Tanks.

All public streams, &c., to be under direction and control of the Commissioners.

194. All streams, channels, water-courses, tanks, reservoirs, springs, and wells, not being private property, shall for the purposes of this Act be under the direction and control of the Commissioners.

Bathing places, &c.

195. The Commissioners may, by order published at such places as they may think fit, set apart convenient tanks, or parts of rivers, streams, or channels, not being private property, for the supply of water for drinking and for culinary purposes, and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid ;

and may similarly set apart a sufficient number of the same for the purposes of bathing ;

and a sufficient number for washing animals and clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

Penalty.

196. Whoever disobeys an order passed by the Commissioners under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Power to require unwholesome tanks on private premises to be cleansed or drained.

197. The Commissioners may require the owners or occupiers, or the owners and occupiers of any land, within eight days, or such longer period as the Commissioners may fix, to cleanse any water-course, private tank, or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood :

Provided that if, for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

198. Whoever, being an owner of land, fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Obstructions and Encroachments of Roads.

Power to close a road or part of a road for repairs, or other public purpose.

199. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert, or bridge, or for any other public purpose.

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Penalty for erecting obstruction on road, drain, &c.

200. Whoever, without the permission of the Commissioners, by making any excavation or erecting any wall, fence, rail, post, or other obstruction, encroaches upon any road drain, sewer, aqueduct, or water-course shall be liable to a fine not exceeding fifty rupees.

Removal of future obstructions or encroachments in road.

201. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post, or other obstruction or encroachment, which he may have erected in, or on any road or open drain, sewer, or aqueduct, after the date on which the Bengal Municipal Act, 1876, took effect in the Municipality ; or in case the said Act was not in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto ; and if such person shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed ; and thereupon the Commissioners may remove any such obstruction or encroachment ; and the expenses thereby incurred shall be paid by the person who erected the same.

No person shall be entitled to compensation in respect of the removal of any wall, fence. rail, post, or other obstruction under this section,

Penalty.

202. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable

to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the wall, fence, rail, post, or other obstruction or encroachment is removed.

Procedure when person who erected obstruction cannot be found.

203. If the person who built or erected the said wall, fence, rail, post, or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post, or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition; and if the said wall, fence, rail, post, or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed; and thereupon the Commissioners may remove any such obstruction or encroachment and may recover the cost of such removal by sale of the materials so removed.

Any surplus of such sale proceeds shall on demand be restored to the owners of such materials, and, if unclaimed, shall, after the lapse of one year, be carried to the credit of the Municipal Fund.

Projections from houses erected in future to be removed.

204. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment, or obstruction erected or placed against or in front of such house which may have been so erected or placed after the date on which the Bengal Municipal Act, 1876, took effect in the Municipality, or in case the said Act was not in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road;

or obstructs or projects or encroaches into or upon any aqueduct, drain, or sewer in such road;

and if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such projection, encroachment, or obstruction be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default.

No person shall be entitled to compensation in respect of the removal of any projection, obstruction, or encroachment under this section.

Penalties.

205. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the projection, encroachment or obstruction is removed.

Effect of order made under sections 201, 203, 204.

206. Every order made by the Magistrate under section two hundred and one, section two hundred and three, or section two hundred and four shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of Judicial Officers*).

Houses projecting beyond line of road when taken down to be set back.

207. Whenever any house, part of which projects beyond the regular line of a road, or drain or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be rebuilt or repaired, the Commissioners may require the same to be set back to or beyond the line of the road, or the line of the adjoining house, and shall make reasonable compensation to the owner of such house for any damage he may thereby sustain.

Fallen house, &c., obstructing road or drain, to be removed by owner.

208. Whenever any private house, wall, or other erection or any tree, shall fall down and obstruct any public drain or encumber any public highway, the Commissioners shall direct the owner of such obstruction or incumbrance to remove the same within such time as to the Commissioners shall seem fit.

Power to trim hedges and trees bordering roads.

209. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto.

Penalty.

210. Whoever fails to comply with a requisition under either of the three last preceding sections, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for each day during which he fails to obey such order after he has been required to obey the same.

Of General Conservancy and Improvement.

Wells, tanks, &c., to be secured.

211. If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary, cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers or the owners and occupiers of the land on which such tank, well or other excavation is situated, forthwith properly to secure or protect such well, tank or other excavation.

Penalty.

212. Whoever fails to comply with a requisition under the last preceding section shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Houses, &c., in a ruinous or dangerous state.

213. If any house, wall, structure or anything affixed thereto, be deemed by the Commissioners to be in a ruinous state, or in any way dangerous, they shall

forthwith, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land to which such house, wall or structure is affixed, forthwith to cause such repairs to be made to such house, wall or structure as they may consider necessary for the public safety, or to remove such house, wall, structure or thing affixed thereto.

Penalty.

214. Whoever fails to comply with a requisition under the last preceding section shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day after the expiration of eight days from the issue of the requisition until the said house, wall or structure is secured or taken down.

Power to enter upon possession of houses so repaired.

215. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be unoccupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them.

Sale of materials of houses, &c., pulled down.

216. The materials of anything which shall have been pulled down or removed under the provisions of section two hundred and thirteen may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred.

Any surplus of such sale proceeds shall on demand be restored to the owner of such materials, and if unclaimed, shall, after the lapse of three years, be carried to the credit of the Municipal Fund.

Stray dogs to be killed at certain appointed periods.

217. The Commissioners may by published order appoint from time to time certain periods within which any dogs without collars, or other marks distinguishing them as private property, found straying in the roads or beyond the enclosures of the houses of the owners of such dogs, may be destroyed; and such dogs may be destroyed in accordance with such order.

Commissioners may offer rewards for destruction of wild animals.

218. The Commissioners at a meeting may offer rewards for the destruction of wild animals within the limits of a Municipality.

Names of roads and numbers of houses.

219. The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may from time to time cause such names and numbers to be altered.

Penalty.

Whoever destroys, pulls down or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

PART VI.

Of Special Regulations.

Operation of Parts VI, VII, VIII, IX or X.

220. No provision contained in this Part, or in Parts VII, VIII, IX or X, shall apply to any Municipality, unless and until it has been expressly extended thereto by the Local Government in the manner provided by the next succeeding section.

Local Government may order the provisions of these Parts to be in force.

221. The Commissioners may apply, in pursuance of a resolution passed at a meeting specially convened to consider the question, to the Local Government, to extend to the Municipality all or any of the provisions of this Part, or of Parts VII, VIII, IX or X; or to exclude from the operation of the said provisions, or any of them, any place within the Municipality.

And the Local Government may thereupon order that such provisions shall be in force in the said Municipality.

Publication of order.

222. Every such order shall be published in the *Calcutta Gazette*, and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular of the district, to be posted up at their office, with a notice of the date on which such order shall take effect, and shall cause the same to be published as prescribed in section three hundred and fifty-three.

And the said provisions shall come into force in the Municipality from the date so fixed:

Provided that the date so fixed shall not be less than fifteen days after the publication under the said section, or more than three months after the publication of the order of the Local Government as aforesaid in the *Calcutta Gazette*.

Local Government may cancel or modify order.

223. The Local Government on a similar application made by the Commissioners may at any time cancel or modify an order made under section two hundred and twenty-one, and such cancellation or modification shall be published, and shall take effect in the manner prescribed by the last preceding section.

Of Privies, Drains, and Excavations.

Commissioners may require owner or occupier to repair drain, &c.

224. The Commissioners may require the owners or occupiers or the owners and occupiers of any land, within fifteen days, to repair and make efficient any drain, privy or cess-pool, or to close any cess-pool which is situated on such land.

Penalty for throwing rubbish into sewers.

225. Whoever, without the permission of the Commissioners, throws or puts or permits his servants to throw or put any offensive matter or the dead body of any animal on to any road, or who throws or puts or permits his servants to throw or put any earth, rubbish, offensive matter or dead bodies of animals into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

226. Whoever causes or allows the water of any sink, sewer or cess-pool or any other offensive matter belonging to him or being on his land to run, drain or be thrown or put upon any road, or causes or allows any offensive matter to run, drain or be thrown into a surface drain near any road, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Penalty for allowing water of any sink, &c., or offensive matter to run or drain on any road.

227. Every person constructing a privy shall have such privy shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood: and the Commissioners may require any owner or occupier of land on which a privy stands to cause the same to be shut out from view as aforesaid within fifteen days.

Privies must be properly enclosed.

228. Any person constructing a privy and failing to have it shut out from view as aforesaid shall be liable to a fine not exceeding twenty rupees, and any person failing to comply with a requisition under the last preceding section shall be liable to a fine not exceeding twenty-five rupees and to a futher fine, not exceeding five rupees, for every day during which the offence is continued after the expiration of the time specified in the said notice.

Penalties.

229. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as theyshall think fit; and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Unauthorized drains leading into public sewers may be demolished.

230. If any person, in order to provide for the passage of water, or for any other purpose, shall, without the consent of the Commissioners, dig or cut up any public road or thoroughfare, he shall be liable to a fine not exceeding twenty-five rupees and shall in addition be bound to pay the expenses incurred in filling up any excavation made by him or on his behalf in such public road or thoroughfare.

Penalty for cutting up road for passage of water without authority of Commissioners.

231. Whoever, without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding fifty rupees.

Penalty for altering or making unauthorized drains leading into public sewers.

232. If any land, being within one hundred feet of a sewer, drain or other outlet into which such land may, in the opinion of the Commissioners, be drained, is not drained to the satisfaction of the Commissioners, the Commissioners may require the owner, within one month, to drain the said land into such sewer, drain or outlet.

Commissioners may require owner to drain land.

233. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer, drain or other outlet already exists within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

Group or block of houses, &c., may be drained by a combined operation.

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit.

234. If any branch drain, privy or cess-pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds or unstops any branch drain, privy or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy or cess-pool as they think fit, or may cause the same to be removed;

Commissioners may alter any drain, &c., made contrary to their orders.

and the expenses thereby incurred shall be paid by the person by whom such drain, privy or cess-pool was improperly constructed, re-built or unstopped.

235. Whoever constructs any such drain, privy or cess-pool contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or without the consent of the Commissioners, constructs re-builds or unstops any drain, privy or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

236. No person shall, without the written permission of the Commissioners, construct or keep any latrine, urinal, cess-pool, house-drain or other receptacle for filth, sewage, house-drainage or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality use.

No latrine to be constructed within fifty feet of a tank.

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cess-pool, house-drain or other receptacle so situated exists, or may hereafter be constructed, to remove the same within eight days.

237. No person shall, without the written permission of the Commissioners, construct a privy with a door or trap-door opening on to any road or drain. The Commissioners may require any owner or occupier upon whose land any such privy exists to remove the same within eight days

Construction of privy.

238. Any person constructing a latrine, urinal, cess-pool, house-drain or privy in contravention of the provisions of either of the two last preceding sections, shall be liable to a fine not exceeding twenty-five rupees; and any person failing to comply with any requisition under the said sections shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from the offence.

Penalties.

239. The Commissioners at a meeting may by a general order prohibit the making of excavations for the purpose of taking

Power to prohibit excavations.

earth therefrom, or for the purpose of storing rubbish or filth therein, and the digging of cess-pools, tanks or pits without special permission previously obtained from them.

If any such excavation, cess-pool, tank or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cess-pool, tank or pit is made, within eight days, to fill up such excavation.

Penalty.

240. Whoever shall dig or make, or cause or suffer to be dug or made therein, any such excavation, cess-pool, tank or pit without the written permission of the Commissioners, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Of Obstructions and Encroachments on Roads.

Removal of existing projection from houses.

241. The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit, of any projection, encroachment or obstruction which may have been erected or placed against, or in front of any house or any road within the limits of the Municipality, before the date on which the Bengal Municipal Act 1876, came into force in the Municipality.

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection, encroachment or obstruction, or to shew cause before the Commissioners why he should not be required so to do; and if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if after such owner or occupier shall have shewn cause against being required to remove or alter the said projection, encroachment or obstruction the Commissioners shall make an absolute order directing such removal or alteration, and if such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment or obstruction to be removed or altered; and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction.

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section.

In determining the amount of compensation, the value of the land shall not be taken into consideration.

Effect of order made under the last preceding section.

242. Every order made by the Magistrate under the last preceding section shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of Judicial Officers*).

Leave to deposit materials on, or to excavate or use a road.

243. The Commissioners may grant permission to any person to deposit any moveable property on any road, or to make an excavation in any road, or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission:

Provided that such person undertakes to erect sufficient fences to protect the public from injury, danger or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose.

Hoards to be set up during repairs.

244. Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night:

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

245. Every person who begins to build or to take down or alter or repair any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding or fence whatsoever, or who being licensed fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Building Regulations.

Roofs and external walls not to be made of inflammable materials.

246. The Commissioners at a meeting may direct that within certain limits, to be fixed by them, the external roofs and walls of huts or other buildings which are about to be erected, or the roofs or walls of which are about to be renewed or repaired, shall not be made of grass, leaves, mats, or other inflammable materials.

Notice of new buildings to be given to the Commissioners.

247. Before beginning, within the limits of any Municipality, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, shewing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days.

248. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or if they disapprove thereof, they shall fix other levels and

width of foundation in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

249. If such building as is mentioned in section two hundred and forty-seven be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners, within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may require the owner or occupier to cause such building to be altered or demolished, as the case may require.

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

250. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shewn on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to, according to the levels and width of foundation shewn on such plan:

Provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

Erection of new huts to be under the control of the Commissioners.

251. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing or to enlarge any existing hut, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between each line of such width as they may think proper for ventilation and to facilitate scavengering and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest street.

Power to direct removal of huts built without notice.

252. If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners, the Commissioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary.

Penalty.

253. Whoever erects a hut or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and sixty-one, and whoever fails to remove such hut, block of huts or shed, when required by the Commissioners to do so, shall be liable to a fine not exceeding twenty rupees for every such offence, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Sanitary Measures with regard to Blocks of Huts.

Power of Commissioners as to inspection of huts.

254. Whenever the Commissioners at a meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts within the Municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two Medical Officers who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands, which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Commissioners may cause notice to be served.

255. On receipt of the said report the Commissioners at a meeting may require the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report or any portion thereof respectively, and if such owner, owners, or occupiers shall fail to comply with such requisition, the Commissioners themselves may execute all or any of such works.

Expenses may be recovered by instalments or remitted in case of poverty.

256. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work when required to do so under the last preceding section, shall be recovered by instalments from the person liable to pay the same; or if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

Sale of huts.

257. If any of the said huts be pulled down, the Commissioner shall cause the materials of each hut to be sold separately, if such sale can be effected and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners, until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same.

Of the Regulation of the Sale of Food, Drink, and Drugs.

Markets, slaughter houses, &c., to be properly drained.

258. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house, within the limits of a Municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter-house in a clean and wholesome state.

259. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such place or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after issue of the said notice.

Penalty.

260. Any Magistrate, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article which has been rendered, or has become noxious of unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered, or exposed for sale, within the limits of a Municipality, as food or drink for man, may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

Sale of unwholsome food or drink.

and if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

261. The Commissioners, or any person authorized by them in that behalf, may at all reasonable times, enter into and inspect any market, buildings, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, butter, ghee, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

Power to Commissioners to enter and inspect markets, shops, &c., and to seize unwholesome articles exposed for sale.

and if it appear to a Magistrate that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

262. No shop or place shall be kept for the retail sale of drugs recognized by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same shall have been registered in the Office of the Commissioners. Any keeper of such shop or place failing to register the same within two months after this section shall come into force, or within two months from the date of the establishment of such place, shall be liable to a fine not exceeding one hundred rupees. The Commissioners shall, upon registration, grant the keeper of such shop or place a license which he shall be bound to display in some conspicuous part of his premises.

Registry of shops for sale of European drugs.

(2). No person shall compound, mix, prepare, dispense, or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules to be hereafter made for that purpose by the Local Government.

Certificated dispensers.

(3.) Any person not being a holder of such certificate who shall compound, mix, prepare, or sell any drugs in any such registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees for each offence, and any owner, occupier, or keeper of any such shop or place, who shall employ any such uncertified person to perform any one or more of such duties, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and shall be further liable, at the discretion of such Magistrate, to forfeit his license:

Penalty for uncertificated persons dispensing.

Provided that the provisions contained in clauses (2) and (3) of this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *Calcutta Gazette* by the Local Government.

Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines, whether these are recognized by the British Pharmacœpia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacœpia are dispensed upon prescription.

263. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

264. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated, or by reason of age or the effect of climate has become inert or unwholesome, or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt therefor, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Magistrate that the said drug removed as aforesaid is adulterated or has become inert, unwholesome, or deteriorated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Inspection of drugs.

If it shall appear to the said Magistrate that the drug so removed is not adulterated or has become inert, unwholesome, or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

Compensation if drug be not adulterated.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning-Grounds.

265. Within three months from the date on which this and the six next succeeding sections may come into force as provided

Registration of existing burial and burning-grounds.

in section two hundred and twenty-two every place which is used as a burial or burning-ground for corpses shall be registered as such by the owner thereof in the Office of the Commissioners, but no fee shall be charged for such registry.

No burial or burning-place henceforth to be formed without leave of Government or of Commissioners.

266. No burial or burning-ground, whether public or private, shall be made or formed, or having lapsed into disuse, shall be again used as such, otherwise than with the permission of the Commissioners, or under the authority of the Local Government.

Commissioners may order certain burial or burning-grounds to be closed.

267. If it shall appear to the Commissioners at a meeting that any public or private burial or burning ground is dangerous to health or offensive to the tax-payers, or to the inhabitants of the neighbourhood, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance, and is open and available to the inhabitants of the Municipality, the Commissioners shall give public notice of their intention to close such burial or burning-ground, and shall consider any objections which may be preferred within fifteen days of the publication of such notice; after considering such objections they may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning-ground.

If any building is attached to, and used in connection with, a burning-ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf, take over the same on payment of a fair price therefor.

Prohibition to bury or burn in unregistered ground.

268. After the expiration of the three months, as mentioned in section two hundred and sixty-five, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning-ground; but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere.

Penalty.

269. Whoever, after the expiration of the period mentioned in the last preceding section, knowingly buries or burns, or causes, procures, or suffers to be buried or burned any corpse in, or on any ground not registered as a burial or burning-ground, shall be liable to a fine not exceeding one hundred rupees.

Power to burn or bury corpse after a certain time an expense of estate of deceased.

270. If the corpse of any deceased person shall for a peroid of not less than twelve hours remain unburnt or unburied, the Commissioners shall cause such corpse to be burnt, buried, or otherwise disposed of, and the expense incurred for and incidental to the burning, burial, or disposal of such corpse shall be recoverable as a debt due from the estate (if any) of such deceased person. In every such case the corpse shall be disposed of so far as may be possible, in a manner consistent with the religious tenets of the deceased.

Commissioners may provide places to be used as burial or burning grounds.

271. The Commissioners at a meeting may, from time to time, out of the Municipal Fund, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds, and may impose a fee not exceeding two rupees upon every corspe buried or burnt within such burial or burning grounds.

Commissioners may provide for burial of paupers free of charge.

272. The Commissioners at a meeting may, from time to time, out of the Municipal Fund, provide for the burial and burning of paupers free of charge, within the limits of the municipality.

Of certain Offensive and Dangerous Trades or Occupations.

Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license.

273. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually, for any of the following purposes, namely—

melting tallow;

boiling offal or blood;

skinning or disembowelling animals;

as a soap-house, oil-boiling house, dyeing-house;

as a tannery, slaughter-house, or kiln for making bricks, pottery, tiles, or lime;

as a manufactory or place of business from which offensive or unwholesome smells may arise;

as a yard or depôt for trade in hay, straw, wood, thatching-grass, jute, or other dangerously inflammable material;

as a store-house for kerosine, petroleum, naphtha, or any inflammable oil, spirit, or explosive substance;

as a shop for the sale of meat;

or as a serai.

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

The Commissioners may levy a fee in respect of such license and may impose such conditions upon the license as they may think necessary.

This section shall not be applicable, until the expiration of one year from the date on which it may come into force as provided in section two hundred and twenty-two, to any land which may have been used for any such purpose before such date.

Penalty.

274. Whoever, without a license, uses any place for any of the aforesaid purposes within the limits of a municipality, after the expiration of the said time, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may, in certain cases, order the use of slaughter-houses and the carrying on of dangerous and offensive trades, to be discontinued.

275. If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section two hundred and seventy-three, or that any place in respect of which the period of one year as mentioned in the said section has not expired, is

a nuisance to the neighbourhood, they may, notwithstanding anything contained in the said section, give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Penalty.

276. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Milkman, &c., not to keep animals or cattle without license.

277. Within such limits as the Commissioners at a meeting may determine, no milkman, cartman, livery stable-keeper, or keeper of hackney carriages shall keep any horses, ponies, or cattle, exceeding ten heads for the purposes of trade, or of business, except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, in the first and seventh month in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit.

Penalty.

278. Whoever being a milkman, cartman, livery stable-keeper, or keeper of hackney carriages keeps any horses, ponies, or cattle within such limits, without such license, and contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

279. Whoever, being the holder of a license under section two hundred and seventy-seven, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Conditions for keeping pig-stye.

280. Within such limits as the Commissioners may direct, no person shall keep any pig-stye not being shut out from a road by a sufficient wall or fence, and in no place within such limits shall more than ten pigs or more than twenty sheep or goats be kept without the written permission of the Commissioners.

The Commissioners may charge an annual fee not exceeding two rupees for such permission, and may impose such conditions in respect of such permission as they may think necessary.

Penalty.

281. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

License for processions, &c.

282. The Commissioners at a meeting may declare that no processions shall be permitted to pass through any street in the municipality, and that no fireworks shall be let off in or near any public place, without the written permission of the Commissioners in that behalf.

Such permission may be granted subject to the payment of such fee as the Commissioners at a meeting, subject to the approval of the Local Government may impose, and subject to the observance of such conditions as the Commissioners shall think fit.

Provided that it shall be in the discretion of the Commissioners to grant or refuse such permission in any case.

Penalty.

283. In any municipality in which such declaration shall have been made, and published as provided by section three hundred and fifty-three, any person forming part of an unlicensed procession, or of a licensed procession, which shall in any way contravene the conditions imposed by the Commissioners, or letting off fireworks in or near any public place, without such permission as aforesaid, shall be liable to a fine not exceeding twenty rupees.

Suspension or revocation of license, &c.

284. Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act relating to the use of any place for a purpose for which a license is required, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license,

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

PART VII.

Of a Water-supply.

The Commissioners to provide water-supply.

285. In any municipality to which the provisions of this Part shall be extended, the Commissioners shall provide a supply of water within the limits of the municipality; and for this purpose it shall be lawful for them to cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in the chief public streets: and they may also erect in all such streets sufficient and convenient stand pipes or pumps for the use of the inhabitants of the municipality for domestic purposes.

What are not domestic purposes.

286 A supply of water for domestic purposes shall not include a supply of water for animals or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for watering gardens or roads, or for any ornamental or mechanical purpose.

Pressure at which water must be kept.

287. The Commissioners at a meeting shall determine what pressure of water shall be maintained in their service pipes and mains, and during what hours such pressure shall be continued: and any rule made under this section shall be published in such manner as the Commissioners may direct, and shall not be altered except with the sanction of the Commissioners at a meeting.

Supply for business.

288. The Commissioners may supply water through a meter for purposes other than domestic purposes, and may, subject to such charges and rates as may have been fixed by the Commissioners

at a meeting, lay down, or allow to be laid down, the necessary pipes and works of such dimensions and character as may be approved by them.

Householder entitled to certain supply of water for domestic use.

289. The Commissioners at a meeting may determine what quantity of filtered water shall be supplied to the occupier of every house, free of further charge, for every rupee paid to the Commissioners as water-rate on account of such house.

If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for them to provide a water meter at their own expense, and to attach the same to the water-pipes of the said house: and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid, shall be paid for by him at such rate as the Commissioners at a meeting may determine.

Commissioners may provide filtered or unfiltered water for latrines.

290. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets, and it shall be lawful for them to require that all latrines and water-closets supplied with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct, and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

Communication pipes, &c., to be made of required dimensions, and at expense of householder.

291. Every person paying the water-rate hereinbefore mentioned shall be entitled to lay down communication-pipes from the service-pipes of the Commissioners for bringing into his house or land a reasonable supply of water for domestic use:

Provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

Such communication-pipes and the pipes and works within the house connected therewith, shall be of such character, dimensions and materials as the Commissioners shall fix and approve: and shall be made and constructed at the expense of the person requiring the same.

Communication-pipes, &c., must be made to satisfaction of officers of the Commissioners.

292. The communication pipes and all fittings thereon leading water from the service-pipes of the Commissioners into any house or land, and the pipes, works and fittings inside the house or land, must in all cases be executed subject to the inspection and satisfaction of the Commissioners.

Such communication-pipes, works and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners; and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed:

and such charges and expenses shall be recoverable in the same manner as the water rate.

Power to enter premises.

293. Any officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain whether there be any waste or misuse of such water:

and if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination, the Commissioners may forthwith cut off the supply of water from such house or land:

Provided that nothing herein before contained shall authorize an entry into any room appropriated for the zenana or residence of women, which, by the custom of the country, is considered private, unless a notice in writing of not less than four hours be given.

When pipes are out of repair, Commissioners may turn off water.

294. In the event of any pipes, works or fittings connected with the supply of water to any house or land being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover from the occupier of such house or land the expense incurred for turning off the water.

Water may be cut off on neglect to pay the rate.

295. If any person supplied with water shall neglect to pay the water-rate herein before mentioned at the times of payment thereof, or the charge made for the said water, when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable, and may recover the expense of turning off the water from such person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may have incurred.

Occupier in whose house water is wasted liable to penalty.

296. The occupier of any house or land in which water supplied by the Commissioners under this Part is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works or fittings for the supply of water shall be found to be out of repair to such an extent as to cause waste of water, shall be liable to a fine not exceeding twenty rupees.

Person causing waste of water liable to penalty.

297. Any person otherwise causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Commissioners at their discretion may allow person outside the town to take water.

298. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of the Municipality to take or be supplied with water for domestic use on such terms as the Commissioners in meeting may from time to time prescribe;

Penalty.

and any person taking or causing to be taken for use, outside the limits of the Municipality, water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

299. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned, the Commissioners may cause all the works, pipes, and fittings within the said house or land to be inspected by an officer appointed by them in that behalf;

Before connection an officer of the Commissioners to cause all works and pipes to be inspected.

and the cost of such inspection shall be payable in advance by the person applying for such connection at such rates as the Commissioners in meeting shall from time to time direct;

and until such officer shall have certified to the Commissioners that the works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

300. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person;

Connection with service pipes to be executed only by an officer of the Commissioners.

and the expense of making such connection shall be payable in advance by the person applying for the same at such rates as the Commissioners in meeting shall from time to time direct.

301. Any person who shall unlawfully flush, draw-off, divert or take water from any water-works belonging to, or under the control of, the Commissioners, or for any water or streams by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees.

Obstructing or diverting water.

302. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier nor by the occupier without sending such specification and estimate to the owner.

Estimate and specification of works to be sent.

303. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair:

Owner to keeps works in repair.

Provided that nothing in this section shall affect the liabilities of parties under leases executed previous to the extension of this part to the Municipality in which the said house or land is situated.

304. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

Tanks, &c., vested in the Commissioners.

305. The water-rate and all moneys collected, received or recovered for, or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the Commissioners in defraying the expense of making extending or maintaining the water-works, in paying the interest of money borrowed for the water-works;

Application of rates and moneys received from the supply of water.

and in the liquidation of debts incurred in connection therewith, or for some other purpose connected with the supply of water.

PART VIII.

OF LIGHTING WITH GAS.

306. In any Municipality in which this Part shall have been introduced in the manner provided in section two hundred and twenty-two it shall be lawful for the Commissioners from time to time to submit to the Local Government, for its sanction, a plan for lighting with gas any portion of any area situate within the municipal limits, whether so lighted already or not, such portion of the said area having been previously defined by the Commissioners at a meeting held for that purpose. The Local Government shall cause the plan to be published for one month in the *Calcutta Gazette*, and the Commissioners shall publish it in the vernacular within the limits of the Municipality; and after such publication, and after consideration of any objections which may be raised to it, or alterations suggested in it, the Local Government may, if satisfied that the lighting proposed in the plan is proper and sufficient, sanction such plan, or may refuse its sanction thereto, or may return it to the Commissioners for alteration in certain particulars to be specified by it, and when altered may sanction it as altered. The Local Government shall cause its sanction to any plan to be notified in the *Calcutta Gazette*, and shall at the same time cause the plan sanctioned to be published in the said *Gazette*.

Municipal Commissioners may submit to the local Government a plan for lighting.

307. After notification by the Local Government in the last preceding section mentioned, it shall be lawful for the Commissioners to impose an annual rate not exceeding three per centum of their annual value upon all holdings situated within such portion of the said area for the purpose of defraying the whole expense of lighting

Lighting-rate not exceeding three per centum may, after sanction of plan, be imposed on holdings.

Provided that, as regards any portion of the said area already lighted with gas, for the future lighting of which a plan shall have been sanctioned by the Local Government under the provision of the last preceding section, if it shall appear that the estimated proceeds of the said rate at three per centum will not be sufficient to defray the whole expense of such lighting, it shall be lawful for the Municipal Commissioners to impose a rate sufficient to defray the whole expense of lighting such portion.

Proviso as to portions already lighted.

308. The rate imposed under the last preceding section upon holdings shall be paid by the occupiers thereof by quarterly instalments in advance; but no rate shall be leviable until the lamps in the portion of the area to be lighted shall have been lighted; nor shall any rate be leviable for any quarter or portion of a quarter antecedent to such lighting. Arable lands and lands

Rate payable by occupiers quarterly in advance.

Arable lands, &c., exempted from rate.

used for pasturage, and buildings used exclusively as places of public worship, or applied solely to charitable purposes, shall not be liable to the rate.

Annual valuation how to be made.

309. The annual value of the said holdings shall be the value fixed by the Municipal Commissioners year by year under the provisions of this Act. And all the provisions in this Act contained, relating to the assessment and collection of the rate on houses, buildings, and lands, shall, except so far as they are modified by the provisions of this part, be applicable to the assessment and collection of the lighting rate.

Assessment and collection.

Commissioners may impose lighting-rate upon all persons assessed to the tax under section seventy-six.

310. If no rate upon holdings shall have been imposed under section ninety-one, but a tax upon persons shall have been imposed under section seventy-six, it shall be lawful for the Commissioners in lieu of the annual lighting-rate referred to in section three hundred and seven to impose a lighting-rate upon all persons assessed to the tax under section seventy-six. Such tax shall not exceed one-half of the amount payable under section seventy-six, and all the provisions relating to the assessment and collection of the tax payable on persons shall be applicable to such lighting-tax.

Power to assess owners in certain cases.

311. If any holding shall be occupied by more than one tenant holding severally, or shall be of less annual value than one hundred rupees, it shall be lawful for the Commissioners to recover the rate from the owner of such holding.

Owner to recover from the occupier rates paid by owner.

312. Whenever any rate shall be recovered from any owner of any holding under the provisions of the last preceding section, it shall be lawful for such owner, if there shall be but one occupying tenant of such entire holding, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be one occupying tenant of a part of such holding or more than one occupying tenant of such holding, then to recover from such tenant or each of such tenants such sum as shall bear to the entire amount of rate which may have been so recovered from such owner, the same proportion as the value of the portion of such holding in the occupation of such tenant bears to the entire value of such holding, subject, however, to the provisions of section three hundred and thirteen.

Owner may recover rate so paid as rent.

313. Every owner who, under the provisions of the last preceding section, may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant.

Occupier liable to the rate for time of occupation only.

314. Every occupier shall be liable to the lighting-rate for the time of his occupation. When any person shall have been an occupier for a part only of any quarter, he shall be liable only for so much of the rate for that quarter as may be proportionate to the number of days during which he shall have been an occupier. If he shall have paid the rate in advance, the amount paid in excess of the sum due under this section shall be refunded.

Excess paid in advance to be refunded.

No rate to be charged during vacancy.

No such rate shall be chargeable to any person on account of any unoccupied holding for the time during which it may remain unoccupied:

Provided always that when any person ceases to be the occupier of any holding upon which the rate has been assessed, he shall give the Commissioners notice to that effect within seven days from the date of the cessation of his occupancy. If the occupier fail to give such notice within such period, he shall be liable to the rate assessed on such holding for the whole quarter, although he may have occupied for a part only of such quarter; and in cases to which the provisions of section three hundred and nine apply, the rate assessed on such holding for the whole quarter shall be recoverable from the owner, if such owner has failed to give notice that such holding is unoccupied, within seven days from the date on which it ceased to be occupied.

Notice of cession of occupancy to be given within seven days.

Unknown owner or occupier how to be designated.

315. When the name of the owner or occupier of any holding is not known, it shall be sufficient to designate him in any notice served, or proceeding held under this Act, as the owner or the occupier of the holding on which the rate is assessed, and without further description.

Situation of gas-pipe or other gas-work to be altered at the expense of the Commissioners.

316. If the Commissioners deem it necessary for the purposes of this Part to raise, sink or otherwise alter the situation of any gas pipe or other gas-work laid in any portion of the said area, they may from time to time, by notice in writing, require the person to whom any such pipe or work belongs, or under whose control it may be, to cause forthwith, or as soon as conveniently may be, any such pipe or work to be raised, sunk or otherwise altered in position, in such manner as the Commissioners may direct:

Provided that such alteration be not such as permanently to injure such pipe or work, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners out of the Municipal Fund as well to the person to whom such pipe or work belongs as to all other persons.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

317. If the person to whom any such pipe or work belongs, or under whose control it may be, do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised, sunk or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipe or work to be raised, sunk or altered as they may think fit:

Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

PART IX.

OF THE CONSTRUCTION AND CLEANSING OF LATRINES.

Notice to be issued by the Commissioners.

318. In any Municipality to which the provisions of this Part shall have been extended in the manner prescribed by section two hundred and twenty-two, the Commissioners may issue a notice declaring that, from a date to be specified in such notice, they will maintain an establishment for the cleansing of public and private latrines within the limits of the Municipality, or any part thereof; and the Commissioners shall make suitable provision accordingly.

Commissioners may levy fees.

319. When such provision has been made, the Commissioners may levy fees, to be fixed on such scale, with reference to the annual value of holdings within the limits of the Municipality, or such part thereof as aforesaid, as the Commissioners at a meeting may from time to time direct;

but the fee shall not exceed three rupees per annum where the valuation of the holding amounts to, or is less than, twenty-five rupees;

and the fee on any one holding shall not exceed four hundred and eighty rupees:

Provided that if, on the commencement of this Act, the owners or occupiers of any holding are already under engagement to pay to the Commissioners an annual sum exceeding four hundred and eighty rupees for the cleansing of their premises, such sum, or such other sum as may from time to time be agreed upon between them and the Commissioners, may be levied from them in accordance with the provisions of this Part.

Recovery of fees.

320. The said fee shall be payable by the occupier for the time being of the holding, or by the owner thereof under section three hundred and twenty-one, in quarterly instalments, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in this Act.

Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

The proceeds of the said fees shall be applied to the maintenance of the said establishment, and to the providing of public latrines, and generally to carrying out the provisions of this part.

A list of the said fees, and of the persons liable to pay the same, shall be published once in every year as prescribed in section three hundred and fifty-three

In certain cases fee may be levied from owner, who may recover from occupier.

321. If any holding is occupied in severalty by more than one person, the Commissioners may levy the said fee from the owner of such holding, who may recover from each occupier such sum as shall bear to the entire amount of the fee so levied the same proportion as the value of the part of the holding in the occupation of such person bears to the entire value of such holding.

Owner may recover fees from occupier as rent.

322. Every owner who, under the provisions of the last preceding section, is entitled to recover any sum from the occupier of any part of a holding, shall have for the recovery of the said sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the holding as may be in his occupation.

Commissioners may compound with occupier or owner of certain premises for fee.

323. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with any occupier or owner as aforesaid of any railway premises or of any premises used as a factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house, or other similar place, for a certain sum to be paid by such occupier or owner in lieu of such fee.

Commissioners may levy a rate per head.

324. The Commissioners may, in lieu of the aforesaid fee, levy a rate per head, to be fixed by the said Commissioners at a meeting, on the number of persons living within or habitually resorting to, any such railway premises, factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house or other similar place.

Commissioners may reduce or remit fee.

325. The Commissioners may reduce the amount of a fee payable under this Part, or may remit the fee if in their opinion the levy of it would be productive of excessive hardship to the person liable to pay the same.

Penalty.

326. Whoever refuses to pay any fee or rate due under this Part, or having compounded for the payment of a certain sum under section three hundred and twenty-three refuses to pay such sum, shall be liable, on conviction, to fine not exceeding three times the amount payable by him exclusive of the amount so payable.

Exemption from prosecution under section 189.

327. No person liable to pay a fee or rate under the provisions of this Part shall be punished with fine for neglecting or refusing to keep his privy in a proper state under section one hundred and eighty-nine.

Powers of servants of Commissioners.

328. All servants of the Commissioners employed for the purposes of this Part may, within such hours as may be fixed by the Commissioners, enter on any premises of which the occupier or owner is liable to pay a fee or rate as aforesaid and do all things necessary for the performance of their duties under this Part.

Commissioners may require nightmen to take out licenses.

329. The Commissioners at a meeting may make an order requiring all nightmen within the limits of the municipality, or any part thereof, to take out licenses, and to be servants of the Commissioners for purpose of removing offensive matter from premises within the said limits.

The Commissioners at a meeting may grant such licenses subject to such conditions as they may think fit, and may impose fees in respect of the same.

Subject to the approval of the Local Government, the Commissioners may make rules to define the duties of such nightmen, and from time to time may alter, add to, or repeal such rules; and any breach of such rules shall subjcte the offender to a forfeiture of licepse, and to a fine not exceeding twenty rupees.

330. If the Commissioners think that any latrine or additional or common latrine should be provided for any house or land within the limits of the Municipality, the owners of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, or within such longer time as the Commissioners may for special reasons allow, cause such latrine to be constructed in accordance with the requisition of such notice; and if such latrine is not constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause the same to be constructed, and the expenses thereby incurred shall be paid by the owners, and shall be recoverable as provided in section three hundred and twenty.

Commissioners may require latrine to be constructed, and in default may construct themselves.

331. The Commissioners may for the purposes of this Part, by a notice in writing, require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in, or habitually resorting to, such holding.

Commissioners may require list of persons in a holding.

332. Whoever, being the owner or occupier of any holding, fails to furnish such list within the time specified in such notice, after being required in that behalf by the Commissioners, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

PART X.

REGULATION OF MARKETS.

333. In any Municipality to which this Part shall have been extended in the manner prescribed by section two hundred and twenty-two, the Commissioners at a meeting may provide land for the purpose of being used as Municipal markets; and may defray the cost of providing such land and of all expenses necessary for the establishment of such markets from the Municipal Fund, and may take a lease of any market;

Power to construct markets.

and may charge rent, tolls, and fees for the right to expose goods for sale in such markets and for the use of shops, stalls, and standings therein.

All such rents, tolls, and fees may be recovered as arrears of tax under the provisions of sections one hundred and nine to one hundred and eighteen, both inclusive.

334. No place shall be deemed to be a Municipal market within the meaning of the last preceding section, and no place shall be deemed to be a market to which the following sections of this Part apply, unless at least thirty shops, stalls or standings are erected therein for the sale of goods.

Definition of "Municipal market."

335. The Commissioners at a meeting may order that, within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables, and similar provisions otherwise than under a license to be granted by the Commissioners.

Commissioners may prohibit use of unlicensed markets.

336. When the Commissioners at a meeting shall have issued an order under the last preceding section, they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the Municipality.

Power to grant licenses for markets.

337. Every license granted under this Part shall be liable to the payment of a fee not exceeding twenty-five rupees, and shall be in force until the end of the year, and the Commissioners may grant such license, year by year, on the certificate in writing under the hand of the Chairman, annually renewed, that the land is fit to be used as a market for the sale of provisions as aforesaid.

Duration of licenses and terms on which granted.

338. The Chairman, upon the application in writing of the owner of any land, shall grant such certificate unless the land be defective for the purposes of a market in drainage, ventilation, water-supply or proper width of paths and ways.

Chairman bound to certify fit places.

The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the Municipality, shall be entitled to receive a license for the current year without the certificate required by section three hundred and thirty-seven, but in subsequent years the license shall not be renewed without such certificate.

Existing markets.

339. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated—

Licenses to be registered.

(*a*) the name and address of the owner of the land and market;

(*b*) the name and address of the lessee thereof, if any;

(*c*) the extent and boundary of the market;

(*d*) the description of articles sold therein, and

(*e*) the days on which the market will be held.

340. Every transfer of interest in any such market shall be registered within two months after the date of transfer.

Transfers to be registered.

341. Any market, the license of which, or the transfer of interest in which, shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license.

Unregistered markets to be deemed unlicensed.

342. Whoever, being the owner or occupier of any land wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without license under section three hundred and thirty-six, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued, after conviction for such offence.

Penalty for using unlicensed market.

343. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market place, and thereupon may appoint persons, or otherwise take order to prevent such land being so used; and every person who shall sell or expose for sale, meat, fish, butter, ghee, fruits, vegetables or similar provisions, on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees.

Power to close unlicensed places.

PART XI.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

344. Every Municipality, when required by the Local Government to do so, shall provide for the registration of births and deaths within the limits of its jurisdiction in accordance with the provisions of Bengal Act IV of 1873 (*for registering births and deaths*) or any other similar Act for the time being in force.

Registration of births and deaths.

345. The Local Government may require the Commissioners of any Municipality to appoint and maintain at each burning ghat and burial-ground for natives a Sub-Registrar for the registration of all corpses brought to such burning-ghat or burial-ground for cremation or interment.

On requisition of Government, Commissioners to appoint Sub-Registrars at burning-ghats and burial-grounds.

346. Whenever a Sub-Registrar shall have been appointed for any burning ghat or burial-ground under the last preceding section, information of the particulars required by section eight of Bengal Act IV of 1873, to be known and registered may be given in respect of the death of any person whose body is brought to such burning-ghat or burial-ground for cremation or interment to such Sub-Registrar, and information so given shall be deemed to be information given to the Registrar of the district as required by the said section.

Information required by Bengal Act IV of 1873, to be given to such Sub-Registrar.

Section nine of Bengal Act IV of 1873 shall be applicable to all Sub-Registrars appointed under this Act.

347. Whenever a death shall occur in any hospital within the limits of any Municipality in respect of which the Local Government has directed that all deaths shall be registered under Bengal Act IV of 1873, it shall be the duty of the Medical Officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Local Government may prescribe; and in such case no other person shall be required to give information of such death to a Registrar under Bengal Act IV of 1873, or to a Sub-Registrar under this Act.

Information of deaths in hospitals.

PART XII.

OF BYE-LAWS AND MISCELLANEOUS MATTERS.

348. The Commissioners of any Municipality may from time to time, at a meeting which has been convened expressly for the purpose, and of which due notice shall have been given, make bye-laws not inconsistent with the provisions of this Act for—

Bye-laws in a Municipality

(*a*) regulating the conduct of business at their meetings;

(*b*) regulating the time and mode of collecting the taxes mentioned in this chapter;

(*c*) regulating the conduct of persons employed by them;

(*d*) the prevention of the construction or opening of cess-pools;

(*e*) regulating the disposal of offensive matter, rubbish, and dead bodies of animals;

(*f*) the regulation and management of privies:

(*g*) regulating traffic in the streets;

(*h*) regulating or prohibiting the use of fire-balloons, fire-works, fire-arms or other missiles in the vicinity of public roads;

(*i*) for the regulation of burial-grounds and burning-grounds;

(*j*) for preventing the contamination of the sources of water-supply for domestic purposes;

(*k*) the registration of births and deaths;

(*l*) and generally for the purposes of this Act.

And the Commissioners of any Municipality to which Part X may have been extended may similarly make bye-laws for the regulation of markets.

The Commissioners may from time to time, at a meeting as aforesaid, repeal, alter or add to such bye-laws:

Provided that no fee or toll which is not expressly sanctioned by this Act shall be levied under any such bye-laws.

349. No bye-law, and no repeal, alteration of or addition to any bye-law shall have effect until the same has been confirmed by the Local Government, and until the expiration of one month after the same has been published as provided by section three hundred and fifty-three, and no bye-law, and no alteration of, or addition to, any bye-law shall be sanctioned by the Local Government otherwise than on the recommendation of the Commissioners at a meeting.

Confirmation of bye-laws.

350. The Commissioners at a meeting may, with the sanction of the Local Government, declare the penalties which shall be incurred by the breach of any bye-law, and any person committing a breach of any bye-law shall be liable to the penalty so declared:

Penalties for breach of bye-laws.

Provided that no higher penalty shall be incurred by the breach of any bye-law than a fine of fifty rupees for every offence specified thereby, and a further fine of ten rupees for each day during which the offence is continued after the offender has been required by a notice in writing to desist from such offence.

351. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Act, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund.

Commissioners may direct prosecution for public nuisance.

352. No prosecution for an offence under this Act or any bye-law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within three months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within three months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners:

No prosecution for an offence under this Act to be instituted without consent of Commissioners.

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

353. Every bye-law, order, notice or other document directed to be published under this Act shall be written in, or translated into, the vernacular of the district, and deposited in the office of the Commissioners, and a copy shall be posted up in a conspicuous position at such office, and in such other public places, as the Commissioners may direct;

Publication of order.

and a public proclamation shall be made throughout such Municipality by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners.

354. Fines under this Act may be imposed by a Magistrate on any person who is convicted of the office to which the fine attaches, and may be levied under the provisions of section of the Code of Criminal Procedure, 1882.

Levy of fines.

355 Every notice, bill, form, summons, or notice of demand under this Act may be served personally on, or presented to, the person to whom the same is addressed,

How notice, &c., may be served.

or be left at his usual place of abode, with some adult male member or servant of his family;

or if it cannot be so served, presented, or delivered, may be put on some conspicuous part of his place of abode;

or of the land, building, or other thing in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

356. Where any notice is required to be given to the owner or to the occupier of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned.

Service of notice on owner or occupier of land.

Provided that when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family;

and if the place abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served.

357. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax, if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Tax not invalid for want of form.

358. Every person to whom a license has been granted under this Act shall at all reasonable times, while such license shall remain in force, if thereunto required by the authorities which granted the license or by any person authorized by them in that behalf, produce such license to the said authorities or to the person so authorized.

Holder of license to produce it when required.

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

359. All costs or other moneys which are due under this Act to the Commissioners of any municipality, may be recovered in the manner provided in sections one hundred and nine to one hundred and eighteen, both inclusive.

Recovery of moneys due to the Commissioners.

360. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses, or charges, recoverable under this Act, and if the owner of such holding is unknown or the ownership thereof is disputed, the Commissioners may publish twice, at an interval of three months, a notification of sale of such holding, and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit the full amount of the purchase-money.

Power to sell unclaimed holdings for money due.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such property.

After payment of the amount due to the Commissioners as aforesaid, the surplus, if any, shall be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or in a Court of competent jurisdiction, or, if unclaimed for a period of three years, shall be transferred to the Municipal Fund.

361. The Commissioners may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

Compensation for damages.

362. No suit shall be brought against the Commissioners of any Municipality, or any of their Officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners and also (if

No action to be brought against the Commissioners or their Officers until after one month's notice of cause of action.

the suit is intended to be brought against any Officers of the said Commissioners or any persons acting under their directions) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit;

and unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Chaukidari chakran lands.

363. Notwithstanding anything contained in, Section three of Bengal Act VI of 1870, (*an Act to provide for the appointment, dismissal, and maintenance of village chaukidars*) the provisions of Part II of the said Act, relating to chaukidari chakran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a Municipality, and all duties and functions which the panchait of a village or any member thereof is required to discharge under the provisions of the said Part, shall be discharged, and all powers which the panchait of a village or any member thereof is authorized to exercise under the said Part, shall be exercised by the Commissioners of such municipality, and the proceeds of the assessment on such lands made under the said Part shall be paid into the Municipal Fund, and shall be available for the purposes of such fund.

Police officers to report offences and to arrest unknown offenders.

364. All Police Officers shall give immediate information to the Commissioners of the Municipality of any offence committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given,

and such person may be detained until his name and address shall be correctly ascertained, or until he shall be brought up at once before a Magistrate.

Penalty on Officers, &c., taking unauthorized fees.

365. If any person employed under this Act (not being a public servant within the meaning of section twenty-one of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do any official act, or for showing or forbearing to show in the excise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Commissioners or with any public servant or with the Government as such, he shall be punished with imprisonment, either simple or rigorous as provided in Section fifty-three of the Indian Penal Code, for a term which may extended to three years, or with a fine not exceeding five thousand rupees, or with both.

Saving Clause.

366. Nothing in this Act contained shall be construed to

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(*b*) exempt any person guilty of nuisance from a suit in respect thereof:

(*c*) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

FORM A.—(*See Section* 101)

Notice to be published of the preparation of the list of assessment on persons.

BENGAL MUNICIPAL ACT, 1883.

Section 101.

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the Office of the Commissioners as required by Section one hundred and one of "the Bengal Municipal Act, 1883," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the Office of the said Commissioners during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the Tax Collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law.

Dated this *day of*

A. B.,

Chairman of Commissioners.

FORM B.—(*See Section* 101.)

Notice to be published of the preparation of the valuation and rating list of holdings.

BENGAL MUNICIPAL ACT, 1883.

Section 101.

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the Office of the Commissioners as required by Section one hundred and one of "the Bengal Municipal Act 1883," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the Office of the said Commissioners during office hours on any day not being a close holiday, and that the several owners of the holdings included therein are hereby required to pay the quarterly instalments set opposite to their names with regularity at the

office appointed by the Commissioners for the receipt of the same, or to the Tax Collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ) and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), and in default thereof, any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law.

Dated this *day of*

A. B.,

Chairman of Commissioners.

SECOND SCHEDULE.

FORM A.—(*See Section* 109.)

Notice of Demand under Section 109.

BENGAL MUNICIPAL ACT, 1883.

To

MUNICIPALITY OF

Take notice that the sum of Rs. , being the amount due from you as shown in the accompanying bill is hereby demanded from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the Office of the Municipal Commissioners, the same with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law.

A. B.,

Chairman of

B.

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.

FORM B.—(*See Section* 110.)

Sums distrained for.						Fee.	
						Rs.	A
Under 1 Rupee	...	...	...			0	4
1 and under 5 Rupees	...	...	...			0	8
5 „ 10 „	...	...	...			1	0
10 „ 15 „	...	...	...			1	8
15 „ 20 „	...	...	...			2	0
20 „ 25 „	...	...	...			2	8
25 „ 30 „	...	...	...			3	0
30 „ 35 „	...	...	...			3	8
35 „ 40 „	...	...	...			4	0
40 „ 45 „	...	...	...			4	8
45 „ 50 „	...	...	...			5	0
50 „ 60 „	...	...	...			6	0
60 „ 80 „	...	...	...			7	8
80 „ 100 „	...	...	...			9	0
Above 100 „	...	...	...			10	0

[The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.]

Note.—If you have any objection to make against this demand you may instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed, (or rated). Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but after fifteen days from such order the amount due by you, with such costs as the Commissioners may direct, will be levied unless it has been previously paid.

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man. If the amount demanded be paid or the warrant discharged before the sale is held so that no sale is necessary, one-fourth of the fees specified in the above table shall be remitted.

C.—(*See Section* 111.)

Distress Warrant.

BENGAL MUNICIPAL ACT, 1883 (*Section* 111.)

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been duly demanded in writing from the said , and fifteen days have elapsed since the service of the notice of demand. This is to demand you to distrain the moveable property of the said wherever it may be found within the Municipality, except ploughs, plough-cattle, tools, or implements of trade or agriculture, or any other moveable property subject to the same exceptions, which may be found within the holding specified in the margin to the amount of the said sum of and the further sum of to defray the charges, of taking, keeping, and selling such property; and if within ten days next after such distress the said sum of shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and if no demand be made, to pay the same to the Commissioners. If distress cannot be made of sufficient property of the said you are to certify the same to us in returning this warrant.

A. B,

Chairman of

D.—(*See Section* 111.)

Form of Inventory and Notice.

BENGAL MUNICIPAL ACT, 1883.

(*Section* 111.)

(*State particulars of goods seized.*)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the Office of the Commissioners of the said sum of and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(*Signature of the officer executing the warrant of distress.*)

Date

(E.—*See Section* 113.)

Register of distraints of property and sales held on account of arrears for the month of

in .

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.
13. Amount paid into the Commissioner's Office on account of the arrear due, with date.
14. Amount paid into the Commissioner's Office on account of costs and penalties.
15. Surplus proceeds of sale remaining after deducting the amount of arrears, costs, penalties due.
16. How the surplus was disposed of, with date of such disposal.
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold, &c, &c.).

THIRD SCHEDULE.

(*See Sections* 75 *and* 120.)

TAX ON CARRIAGES AND ANIMALS.

	Per quarter. Rs.	A.
For every 4-wheeled carriage drawn by two horses	4	8
For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands ...	3	0
For every 2-wheeled carriage ...	2	8
For every horse	2	0
For every pony under thirteen hands, and for every mule and donkey ...	0	12
For every elephant	6	0
For every camel	2	0

Animals under eleven hands in height, and carriages the wheel of which do not exceed twenty-four inches in diameter, are exempted.

FOURTH SCHEDULE.

Acts of the Lieutenant-Governor of Bengal in Council.

NUMBER AND YEAR.	Subject.	EXTENT OF REPEAL.
V of 1873 ...	To provide for the levy of a lighting rate in Howrah.	The whole Act.
V of 1876 ...	To amend and consolidate the law relating to municipalities.	Ditto.
VI of 1878	To provide for the cleansing and construction of latrines in first class municipalities.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to modify and extend the present Act relating to Municipalities in Bengal in such a manner as to give the people a larger share in the management of their own affairs. As the changes introduced are considerable, it has been thought more convenient to repeal the existing law, and to pass a revised and consolidated measure, than to introduce a merely amending Bill.

The present Act V of 1876 relates to institutions of four different kinds—Municipalities of the first class, Municipalities of the second class, Unions, and Stations. It seems unnecessary to retain these distinctions. There is practically very little difference between the two classes of Municipalities: and there are only two stations under the Act, both of which can without difficulty be raised to the rank of Municipalities. Unions are more numerous, and it will perhaps be found that some of these are not sufficiently advanced to be entrusted with Municipal responsibilities. Such Unions will be placed under the Local Boards which it is intended to establish by a separate Act of the Legislature, while the more fully developed unions will be treated as Municipalities.

Some important changes have been introduced into the constitution of the Municipalities. It is intended that the Commissioners shall as a rule be elected by the rate-payers, the Government reserving only a power to nominate one-third of the whole number of Commissioners. No *ex-officio* Commissioners will be appointed, and the existing limitation of the number of salaried officers of Government will be retained. The provisions of the present Act, for the retirement of Commissioners by rotation, have been omitted; and it is proposed that the whole body of Commissioners, as well as the Chairman and Vice-Chairman, shall remain in office for three years. The Chairman will either be appointed by Government, or will be elected by the Commissioners: the Vice-Chairman will, as at present, be elected by the Commissioners.

For the control now exercised over municipal proceedings by District Officers and Commissioners of Divisions, will be substituted a system of supervision and regulation by some central authority, the constitution and functions of which are not yet precisely defined. In the Bill as at present drafted, this authority is referred to simply as "the Controlling authority." Opportunity will be taken, when the Bill is in Select Committee, to introduce a more exact wording into the sections relating to this part of the question.

As regards the rest of the Bill, it may be said generally that the principle has been adopted that the Commissioners of an elective Municipality may be expected to exercise their powers in accordance with the wishes, and in the furtherance of the interests, of the general body of rate-payers: and that consequently such powers as they may desire to exercise should be freely conceded to them. Those sections of the Bill which apply to all Municipalities alike do not materially differ from the provisions of the present law. But the Bill greatly enlarges the powers of those Municipalities which may wish to adopt more advanced schemes of town conservancy and improvement. These powers are given in Parts VI to X of the Bill, and it is expressly declared that no provisions in any of these Parts shall be extended to any Municipality, except at the request of the Commissioners at a meeting specially convened for the purpose. Part VI is drawn upon the lines of Part VII of the existing Act. Part VII authorizes the Commissioners to establish a water-supply and to levy a water-rate. Part VIII contains analogous provisions for lighting with gas, and for the levy of a lighting rate. Part IX is based upon the existing Act VI (B.C.) of 1878, and deals with the construction and cleansing of latrines. Part X is substantially the same as Part IX of the present Act, and gives power to establish and regulate markets.

There are, of course, many of the above provisions which are inapplicable to the circumstances of an average mofussil Municipality. But it may be anticipated that the Commissioners will recognize this fact, and will apply to be invested only with those powers which the rate-payers may desire them to exercise, and which are suited to the stage of development which the Municipality may have reached, or may be capable of attaining.

Part V of the present Act, relating to Municipal Police, has been omitted from the Bill. Howrah and the Suburbs of Calcutta are the only Municipalities which have not already been relieved from the charge of maintaining the police force required for their watch and ward, and a separate Bill to meet the cases of these two Municipalities will be introduced hereafter. As the Bill does not recognize Unions and Stations, Chapters III and IV of the present Act have also been omitted.

H. J. REYNOLDS.

The 2nd January 1883.

C. H. REILY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 6th January 1883, and was referred to a Select Committee who are to report thereon in six weeks :—

A Bill to authorize the making and to regulate the working of road tramways in Bengal.

Preamble.

WHEREAS it is expedient to facilitate the construction and to regulate the working of road tramways within the territories subject to the Government of the Lieutenant-Governor of Bengal :

It is enacted as follows :—

Short title and commencement of Act.

1. This Act may be cited for all purposes as "The Bengal Tramways Act, 1883." It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation.

2. For the purposes of this Act, the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them.

"Local authority."

The term "Local authority" shall mean (1) bodies of persons for the time being appointed or elected to conduct the affairs of any municipality under Bengal Act V of 1876, or other law for the time being in force for the purpose of regulating municipalities in Bengal; (2) any Board, Committee, Council, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road.

"Area."

The term "Area" in relation to a local authority shall mean the area within the jurisdiction of such local authority.

"Municipality."

The term "Municipality" shall mean any place in which Bengal Act V of 1876, or any other law for the time being in respect of Bengal municipalities, is in force.

"Road."

The term "Road" shall mean any carriage way, being a public thoroughfare, and the carriage way of any bridge forming part of or leading to the same.

"Tramway."

The term "Tramway" shall mean a tramway constructed under this Act.

PART I.

Orders by the Local Government authorizing the construction of Tramways.

By whom orders authorizing the construction of tramways may be obtained.

3. An order made by the Local Government authorising the construction of any tramways in any municipality or area may be obtained by—

1*st*.—The local authority of such municipality or area.

2*nd*.—Any person, persons, corporation or company with the consent of such local authority.

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters."

When applications for authority to construct tramways may be made.

No application shall be made to the Local Government for the purpose of authorising the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area.

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in a manner in which notices of meetings of such local authority are usually given, and such notice shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution.

Local Government may in certain cases dispense with consent of local authority.

4. Where it is proposed to lay down a tramway in two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto, the Local Government may nevertheless make an order authorising the construction of such tramway if it is satisfied after enquiry that two-thirds of the length of such tramway is proposed to be laid in an area or areas, the local authority of which area or areas do consent thereto.

Documents to be forwarded with application.

5. At the time of making an application for such order, the promoters shall also forward to the Local Government—

1*st*.—A memorial signed by the promoters descriptive of the undertaking

2*nd*.—A copy of the proceedings and resolution of the special meeting held under the provisions of section three.

3*rd*.—A copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority.

4*th*.—An estimate of the proposed works, if any, signed by the persons making the same.

5*th*.—All necessary maps, plans, sections, and drawings of the proposed work.

Local Government to determine on application and objection.

6. The Local Government shall consider the application and may, if it think fit, direct an enquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint, and shall determine whether or not the promoters may proceed with the application.

Where it appears to the Local Government expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the Local Government may settle and make an order accordingly, and such order shall be published in the *Calcutta Gazette*.

Local Government may make and publish order.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government according to the nature of the application and the facts and circumstances of each case thinks fit.

Form and contents of order.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority or authorities.

7. The Local Government on the application of any promoters empowered by an order to construct a tramway may from time to time revoke, amend or vary such order by a further order:

Power to revoke, amend or vary order.

Provided that whenever the promoters are not the local authority, the Local Government shall, before passing such order, call upon the local authority to state any objection they may have to such application.

8. Subject to and in accordance with the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act, which relate to the construction of tramways, shall extend and apply to the construction of the whole, and the separate parts of such tramway as last aforesaid; and the form of the order may be adapted according to the circumstances of the case.

Power to authorise joint work.

9. If the promoters empowered by any order under this Act to make a tramway do not, within the period prescribed in such order, complete the tramway and open it for public traffic; or,

Promoters' powers to cease at expiration of prescribed time.

if the works are not substantially commenced within the latest date prescribed in such order for their commencement; or,

if the works, having been commenced, are suspended without a reason sufficient in the opinion of the Local Government to warrant such suspension;

the powers given by the order to the promoters for constructing such tramway, executing such works, or otherwise in relation thereto, shall cease to be exercised to the extent and in the manner specified in such order.

A notice in the *Calcutta Gazette* to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purpose of this section of such non-completion, non-commencement or suspension

10. When the local authority of any area are the promoters of any tramway, the expenses incurred by them in constructing and working such tramway under the provisions of this Act, or the expenses preparatory thereto, may be paid out of the funds under the control of such local authority, and the payment thereof shall be deemed to be an object to which such funds shall be applicable.

Payment of expenses when local authority are promoters.

When the local authority are not the promoters, they may fix and demand from the promoters such rent for the use of roads as may be agreed upon.

Rent for use of road when local authority are not promoters.

11. Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act may be applied by them to the purposes for which other funds under the control of such local authority may be applied.

Application of rent or tolls.

12. The Local Government may from time to time make, and when made, may rescind, annul or add to any rules it may be expedient to make for the purpose of carrying this Act into execution.

Power to make rules.

PART II.

Construction of tramways.

13. Every tramway shall be constructed and maintained on such gauge and in such manner as may be specified in the order of the Local Government empowering the construction of such tramway, and before the work of construction is begun, the maps, drawings, and specification shewing the proposed construction of such tramway shall be submitted to the local authority and be approved by it, and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances as shall have been approved by such local authority.

Form in which tramways are to be constructed and maintained.

14. The promoters may from time to time, for the purpose of constructing and maintaining any tramways under this Act, open and break up the soil and pavement of any of the roads upon which the construction and maintenance of such tramway has been authorized by the order of the Local Government in that behalf, and therein lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on such roads all other acts which shall from time to time be necessary for constructing and maintaining their tramways:

Power to break up streets.

Provided that when the powers granted under this section shall be exercised by the promoters, who are not the local authority, such powers shall be exercised subject to the following regulations:—

1*st*.—They shall give to the local authority notice in writing of their intention to open or break up any such road, specifying the time at which they will begin to do so, and the portion of the

road proposed to be opened or broken up. Such notice to be given at least seven days before the commencement of the work.

2nd.—They shall not open or break up or alter the level of any such road, except under the superintendence and to the reasonable satisfaction of the local authority, for which superintendence the promoters shall pay all reasonable expenses, unless the local authority neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work.

3rd.—They shall not, without the consent of the local authority, open or break up at any one time a greater length than a quarter of a mile in any one length and shall leave an interval of at least a quarter of a mile between any two such places at which they may open or break up such road.

4th.—They shall, with all convenient speed, and in all cases within two calendar months at the most, unless the local authority otherwise consent in writing, complete the work for which the said road shall be broken up, and fill in the ground, and make good the surface, and, to the satisfaction of the local authority, restore the road to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.

5th.—They shall in the meantime, when such road is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

6th.—They shall make good all damage done to the gas and water-pipes, sewers, drains, culverts, bridges, and fences whether belonging to the local authority or to private individuals, by the disturbance thereof, and shall not cause any interruption in the supply of gas in or through any main or pipe, or the flow of water through any pipe, drain, culvert, bridge, or other waterway; if they fail to make such damage good, or to remove such interruption within reasonable time, the local authority may, without prejudice to the penalties payable under section twenty-nine, cause the same to to made good at the promoters' expense.

Promoters to keep the tramway roads in proper repair.

15. The promoters shall, at their own expense at all times, maintain and keep in good condition and repair, in such manner as the local authority shall direct, the rails of which any of their tramways shall for the time being consist, and so much of any road as lies between the rails of any tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway; and in the course of carrying out repairs, it shall not be necessary to give notice thereof to the local authority.

Promoters not to obstruct ordinary traffic.

16. In exercising the powers given to them by the last two preceding sections, the promoters shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the roads or to the ordinary means of approach to houses situated on either side of the roads, and so as to admit of as free and unrestricted entry at all times into the sewers, drains, culverts, and bridges for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas pipes by the direction of the local authority.

Reservation of right of public to use roads.

17. Nothing in this Act, or in any bye-law made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on rails. But the right of the public shall not include the use of any new roadway, embankment or earthwork constructed or acquired for the special and exclusive use of the tramway.

Right of user only.

18. Notwithstanding anything in this Act contained the promoters shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they lay any tramway.

PART III.

Working of Tramways.

No tramway to be opened without certificate from Engineer.

19. No tramway shall be opened for public traffic until the same has been inspected and certified by an Engineer, or other officer appointed in that behalf by the Local Government, to be fit for such traffic.

Local authority may lease or take tolls.

20. When a tramway has been completed under the provisions of this Act and certified to be fit to be opened for public traffic under the last preceding section, the local authority or other promoters may, subject to the provisions of this Act, place and run carriages on such tramway and demand and take tolls and charges in respect of the use of such carriages; or may, by lease, to be approved of by the Local Government, demise to any person, persons, corporation or company the right of user by such person, persons, corporation or company of the tramway, and of demanding and taking in respect of the same the tolls and charges autho-

rised; or such authority may leave such tramway open to the public, and may in respect of such user demand and take the tolls and charges authorised.

Carriages how to be worked.

21. The cars and carriages of the promoters on the lines of the tramways shall be worked with such power, animal, mechanical or otherwise, as may be specified in the order issued by the Local Government under section six.

Promoters may use tramway carriages with flange wheels.

22. The promoters may use on their tramways carriages with flange wheels or wheels suitable for running on the prescribed form of rail, and, subject to the provisions of this Act, they shall have the exclusive use of their tramways for carriages with flange wheels, or other wheels suitable for the said form of rail.

Promoters may fix and demand fares.

23. The promoters shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of their tramways, or for the carriage of goods by their tramways:

provided that the rate of fare for each person or parcel shall, for any distance not exceeding three miles, not exceed three annas, and for any greater distance shall not exceed the same proportion.

Printed list of fares, &c., to be placed in carriages.

24. A printed list in English, Bengali, and Urdu of all the fares and charges authorised by this Act to be taken, and a printed copy in the same languages of all bye-laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the promoters upon any of their tramways.

Such list and printed copy as aforesaid shall be published in the *Calcutta Gazette* at the expense of the promoters.

Fares how to be paid.

25. The fares and charges by this Act authorised shall be paid to such persons at such places, upon or near to the tramways, and in such manner and under such regulations as the promoters may, by notice to be annexed to the list of fares, from time to time appoint.

Bye-laws by local authority.

26. The members constituting the local authority in a municipality or area in special general meeting may, subject to confirmation thereof by the Local Government, from time to time, make such bye-laws as to the rate of speed, number of passengers, and mode of use of the tramways as the convenience and safety of the public may require, and as are not inconsistent with this Act or any rules framed under section twelve.

The promoters may make certain bye-laws.

27. The promoters may, subject to confirmation as aforesaid, from time to time, make such bye-laws—

for preventing disturbances, or the entry of persons suffering from infectious diseases, or the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them; and

for regulating the travelling in or upon any carriage belonging to them,

as are not inconsistent with this Act or any rules or bye-laws framed under sections twelve and twenty-six.

Publication of bye-laws.

28. Notice of the making of any rules or bye-laws under sections twelve, twenty-six, and twenty-seven shall be published in the *Calcutta Gazette*, and such rules and bye-laws when so published shall, until repealed or altered, be of the same effect as if they had been inserted in this Act.

PART IV.

Offences.

Penalty for failure of promoters to comply with provisions of this Act.

29. If the promoters fail in any respect to comply with the provisions of sections thirteen, fourteen, fifteen, sixteen, nineteen, and twenty-one of this Act, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them), upon complaint of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred.

Penalty for obstructing promoters in the exercise of their power.

30. If any person wilfully obstructs any person acting under the authority of the promoters in the lawful exercise of their powers in setting out or making, laying down, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the lines of the tramway, he shall for every offence be liable to a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent court.

Penalty for interfering with tramway.

31. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely—

interferes with, removes or alters any part of a tramway of the promoters, or of the works connected therewith;

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways;

or knowingly aids or assists in the doing of such thing, he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees.

Penalty for avoiding payment of proper fare.

32. If any person travelling or having travelled in any carriage of the promoters avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding ten rupees.

Servant of promoters may arrest persons avoiding payment of fare.

33. It shall be lawful for any servant of the promoters, and all persons called in by him for his assistance, to arrest and take to the nearest police-station any person who

shall be discovered either in or after committing or attempting to commit any such offence as in the last preceding section mentioned, and whose name and residence is refused by him, and is unknown to such servant or person, and the police officer in charge of the said police-station, on receiving a complaint that an offence under this Act has been committed, shall adopt such legal measures as may be necessary to cause the said person to be taken before a Magistrate with the least possible delay.

Carriage of dangerous or offensive goods.

34. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the promoters to refuse to take any parcel that they may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact.

Penalty for breach of bye-laws.

35. Any person offending against any bye-law made under the provisions of the last preceding section shall forfeit for every offence any sum not exceeding twenty rupees to be imposed in such bye-laws as a penalty for such offence.

PART V.

Miscellaneous.

Difference between the promoters and local authority, &c.

36. If any difference arises between the promoters or lessees on the one hand and any local authority, or any gas or water company, or any company, body or person to whom any railways, roads, drains, culverts, bridges, sewers, pipes, fences, wires or apparatus for telegraphic or any other purposes may belong, or in whom the charge thereof may be vested, or any other company on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the promoters or lessees by virtue of this Act in relation to any tramway or work, or in relation to any work or proceeding of the local authority, body, company or person, or with respect to the propriety of or mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the promoters or lessees, or in the question whether any work is such as ought reasonably to satisfy the local authority, body, company or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an Engineer or other fit person nominated as referee by the Local Government on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Promoters to be responsible for all damages.

37. The promoters shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and in all cases where the promoters are not the local authority they shall save harmless the local authorities and their respective officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Power for the local authority or police to regulate traffic on roads.

38. Nothing in this Act shall limit the powers of the local authority or the police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such local authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters as to the traffic of other persons.

The local authority shall not be liable to pay to the promoters any compensation for loss of traffic occasioned by the reasonable exercise of such authority.

Reservation of power over roads.

39. Nothing in this Act shall be construed to prevent the local authority or any corporate body or persons in the exercise of the powers conferred upon them under any law for the time being in force, from opening, breaking up, widening, altering, diverting or improving any of the roads, bridges, drains or culverts traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert or improve the same: Provided—

(1) that they shall cause as little detriment or inconvenience to the promoters as circumstances admit;

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of them on giving twenty-four hours' previous notice in writing to the promoters;

(3) that before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters notice of their intention to commence such work, specifying the time at which they will begin to do so; such notice to be given eighteen hours at least before the commencement of the work;

(4) that in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportioned to the length of road over which and time during which running is stopped, shall be made from the rent (if any) reserved and payable by the promoters;

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement, shall be executed by the promoters at the expense of the local authority.

Discontinuance of tramways.

Tramways to be removed in certain cases.

40. If at any time after the opening of any tramway for traffic, the promoters discontinue the working of such tramway or of any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Local Government, the Local Government if it think fit may by order declare that the powers of the promoters in respect of such tramway or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the promoters shall cease, and determine unless the same are purchased by the local authority in manner by this Act provided. Where such order has been made the Engineer or other officer appointed on that behalf by the Local Government may at any time after the expiration of two months from the date of such order remove the tramway or part of the tramway so discontinued, and the promoters shall pay to such Engineer or officer the cost of such removal and of the making good of the road by such Engineer or officer. Such cost to be certified by such Engineer or officer whose certificate shall be final and conclusive. And if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, such Engineer or officer may without any previous notice to the promoters (but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums and to such person or persons as such Engineer or officer may think fit; and may out of the proceeds of such sale make and reimburse himself the amount of cost certified as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the said Engineer or officer to the promoters.

Insolvency of Promoters.

Proceedings in case of insolvency of promoters.

41. If at any time after the opening of any tramway it appears to the local authority, or to the Magistrate of the district in which such tramway is situate, that the promoters of such tramway are insolvents, so that they are unable to maintain such tramway, or work the same with advantage to the public, the Local Government, upon a representation to that effect made by such Magistrate or local authority, may direct an enquiry by a referee into the truth of the representation, and if the referee shall find that the promoters are such insolvents as aforesaid, the Local Government may by order declare that the powers of the promoters shall at the expiration of six calendar months from the making of the order be at an end, and the powers of the promoters shall cease and determine at the expiration of the said period unless the same are purchased by the local authority in manner by this Act provided, and thereupon the Engineer or other officer appointed on that behalf by the Local Government may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for the recovery of such costs in every respect as in cases of removal under the next preceding section.

Purchase of tramways.

Local authority to have right of purchasing tramway after 21 years.

42. The local authority shall have the right of purchasing the tramways with the plant, buildings, stores, rolling-stock, and everything connected therewith upon the expiration of twenty-one years from the date of the order authorising the construction of such tramway upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given, and the value to be placed upon the tramways shall be calculated in such manner that every hundred rupees of capital invested in the tramway at the time of purchase shall be taken as equal to twenty-five times the average of the annual net profits per hundred rupees divided by the promoters during the seven years immediately preceding the purchase.

STATEMENT OF OBJECTS AND REASONS.

PROPOSALS have been received by the Government of Bengal from local authorities for the construction of tramways at Howrah, Patna and elsewhere, and it is necessary in order to give effect to these and any similar proprosals which may be received hereafter to pass an Act which shall invest the Government of Bengal and local authorities or other promoters with the necessary legal powers to sanction and undertake the construction of tramways, the breaking up of streets and roads for the purpose of laying rails, the running of tramcars, the levying of tolls and charges, the framing of rules and bye-laws, and the performing of all such other acts as are necessary for the efficient making and working of tramways with due regard to the public safety and convenience.

The only Act on the subject of tramways in force in Bengal is Act I of 1880 of the Bengal Council, which is a special one for Calcutta, and is so framed that its provisions cannot by an extending enactment be satisfactorily applied to other municipalities or places. It has therefore been decided to draft a general Act which will apply to all local authorities

whether in municipalities or in rural districts in whom the charge of roads is vested. The draft Act embodies in part the provisions of the English Tramways Act of 1878, and in part those of the Calcutta Tramways Act of 1880. It prescribes the procedure to be adopted by promoters of tramways to obtain sanction to their schemes, the powers and rights in respect of the use of roads, and the manner of construction and working of tramways reserved to the Local Government, the local authority, the public and the promoters respectively, the penalties for offences and other general conditions which experience has shown to be advisable to impose on promoters of tramway schemes.

S. T. TREVOR.

The 23rd December 1882.

C. H. REILY,
Offg. Asst. Secy. to Government of Bengal,
Legislative Department.

The Calcutta Gazette.

WEDNESDAY, JANUARY 24, 1883.

PART IV.

Bill of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1883, and was referred to a Select Committee who are to report thereon in a fortnight:—

A Bill to amend "the Calcutta Port Improvement Act, 1870."

WHEREAS it is expedient to amend the "Calcutta Port Improvement Act, 1870." It is enacted as follows:— Preamble.

1. Section twenty-one of Bengal Act IV of 1880 is repealed. Section 21 repealed.

2. For clause (2) of section thirty-nine of Bengal Act V of 1870, the following shall be substituted, that is to say: Substitution of clause (2) of Bengal Act V of 1870.

"Tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods and merchandize landed or to be shipped or carried, and accommodation for the sampling and selling of such goods and merchandize: such tramways, with the previous sanction of the Lieutenant-Governor of Bengal, to be worked by locomotive engines, or other motive power drawing or propelling carriages and wagons for the conveyance of goods therein."

STATEMENT OF OBJECTS AND REASONS.

THE Port Commissioners have applied to the Government for sanction to construct a warehouse at Armenian Ghât to facilitate the storage and shipment of tea. The scheme has been under discussion for more than six years, and the Chamber of Commerce and a majority of the mercantile firms interested in the tea trade are in favour of sanction being given to the proposals. There is a manifest advantage in having a tea warehouse in a central situation on the river bank, from which the chests could be shipped without incurring the unnecessary handling and risk of breakage to which they are at present subjected. The construction of the warehouse would also tend to relieve the streets of a part of the cart traffic.

At present, however, the greater part of the tea shipped from Calcutta is sold previous to shipment, and, so long as this practice prevails, the convenience afforded by the projected warehouse would be neutralized, or at least greatly diminished, unless accommodation were provided in the warehouse itself for the sampling and sale of tea. The Government, however, are advised that the law as it stands does not authorize the Port Commissioners to construct a warehouse which has for one of its objects the provision of facilities for the sampling and sale of goods. By section 39, Act V (B.C.) of 1870, the Commissioners are empowered to construct warehouses and sheds for receiving and storing goods and merchandize landed or to be shipped. The present Bill extends these powers, and authorizes the Port Commissioners also to provide accommodation in such warehouses for the sampling and sale of such goods and merchandize.

H. REYNOLDS.

CALCUTTA,
The 6th January 1883.

C. H. REILY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1883, and was referred to a Select Committee who are to report thereon in three weeks :—

A Bill for the general control of Coolies in Hill Municipalities.

Preamble.

WHEREAS it is expedient to provide for the registration and better control of coolies in Hill Municipalities: It is enacted as follows:—

Short title.

1 This Act shall be called the Hill Coolies Act, 1883.

Interpretation.

2. For the purposes of this Act the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them.

"Coolie."

"Coolie" shall mean any person included within the classes of persons specified in the order published by Local Government under section four of this Act.

"Hill Municipality."

"Hill Municipality" shall mean any municipality constituted under Act of 1883 or other Act for the time being in force for the regulation of municipalities which the Local Government shall declare by a notification published in the *Calcutta Gazette* to be a Hill Municipality under this Act.

Commissioners may pass a resolution recommending extension.

3. Whenever it shall appear desirable to the Commissioners of any Hill Municipality that coolies working for hire in the municipality should be registered under this Act, they may at a meeting pass a resolution to that effect, and shall frame a list specifying the classes of persons to which it is desired by the Commissioners that the provisions of this Act should apply, and shall forward such list, together with a copy of such resolution, for the consideration and sanction of the Local Government.

On such recommendation Local Government may extend provisions of Part.

4. The Local Government may thereupon order that all or any of the provisions contained in this Act shall be in force in such municipality. Such order shall specify the classes of persons to which and the date from which the said provisions shall respectively apply, and shall be published in the *Calcutta Gazette*. Such order shall operate to extend the provisions of this Act to such municipality according to its tenor.

The Local Government may at any time cancel or modify an order made under this section.

Publication of order.

5. The Commissioners shall, within fifteen days of such publication, cause a copy of the same to be deposited in the office of the Commissioners, and a copy shall be posted up in a conspicuous position at such office, and in such other places as the Commissioners may direct;

and a public proclamation of such order shall be made throughout such municipality by beat of drum.

Orders of registering officer to be subject to control of Commissioners.

6. The Commissioners at a meeting shall, for the purposes of this Act, appoint a registering officer, and may, with the sanction of the Local Government, remove such registering officer and appoint another in his place. Every matter or thing done by the registering officer under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioners.

Registration of coolies.

7. Every coolie personally working for gain as such coolie within the limits of such municipality shall be annually registered by the registering officer appointed under the last preceding section, who shall keep a register in which he shall enter the name and residence of every such coolie:

Provided always that the provisions of this section shall not apply to any coolie who is hired beyond the limits of the municipality for a period of time not exceeding three hours, but who performs a portion of the work imposed by such hiring within such limits.

Period of registration.

8. The year of registration shall commence on the first day of January of each year, and every registration made on any date within that year shall be in force to the thirty-first day of December next following and no longer.

The registering officer shall at the time of registration deliver a license to every coolie registered as aforesaid, and such license shall be in force for the year of registration and no longer.

Details of license.

9. Every license granted by the registering officer shall specify the number of the license, and the name and place of abode, and age of the coolie to whom such license is granted, and shall further state whether such coolie is licensed to work as—

(*a*) a monthly or other servant for a fixed period of time exceeding twenty-four hours, or

(*b*) a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours.

Every license shall bear date on the day on which the same shall be granted.

Penalty for not giving notice of change of residence.

10. Whenever any coolie registered under this Act shall change his residence, he shall give notice thereof to the registering officer, specifying in such notice his new residence, and every such coolie who shall change his residence and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding Rs. five.

Alteration to be made in register.

The registering officer on receiving the notice specified in this section shall make the necessary alteration in the register.

Particulars of license to be entered in book.

11. The particulars of every license which shall be granted under the provisions of this Act shall be entered in books to be kept for that purpose at the office of the said registering officer, and every person applying shall at all reasonable times be furnished with a certified copy of such particulars on payment of a fee of eight annas.

Licensed coolie to wear badge.

12. The registering officer shall, at the time of granting the license to any coolie empowered to work by the job, or for any period of time

not exceeding twenty-four hours, deliver a metal badge, upon which shall be marked or engraved a number corresponding with the number of such license. Every coolie to whom such badge is delivered shall at all times, while waiting for hire, or during the performance of his duties as such coolie, or while attending before any Magistrate, carry such badge exposed to view.

Penalty for omitting to wear badge.

13. Whenever any coolie empowered to work by the job, or for any period not exceeding twenty-four hours shall omit to wear such badge exposed to view as aforesaid, he shall be liable to a penalty not exceeding Rs. five.

Rates of hire to be made and published.

14. The Commissioners at a meeting may, with the consent of the Local Government, make and publish an order specifying the rates of hire in respect of all coolies registered under the provisions of this Act, and such rates may from time to time be varied with the like sanction. The rates specified in such order shall in the case of coolies empowered to work by the job, or for any period not exceeding twenty-four hours include rates calculated according to distance as well as by time:

Provided that the list of rates calculated according to distance shall include rates in respect of such places situate beyond the limits of the municipality as shall be specified in a notification to that effect published by the Local Government in the *Calcutta Gazette*.

A table of the rates of hire legibly written or printed in the English, Urdu, and Bengali languages shall be affixed in some conspicuous place within the limits of the municipality, and a copy of the same, or such portion thereof as may be deemed sufficient, shall be given to every coolie at the time of registration

Coolie entitled to payment according to rates fixed, subject to special agreements for lower rates.

15. Every coolie shall be entitled to receive payment for his hiring in accordance with the rates specified in the order mentioned in the last preceding section:

Provided that nothing in this Act contained shall prevent any such coolie from being bound by any contract into which he may enter to receive payment at a rate lower than that fixed by such order.

Registration of coolies when engaged as monthly servants.

16. Any coolie engaged as a monthly servant, or for some other fixed period of time exceeding twenty-four hours, who shall be proved to the satisfaction of the registering officer to have deserted from such employment without reasonable cause during the period of his engagement;

or to have been guilty of misconduct during such period of time;

or to have wrongfully prevented or endeavoured to prevent any other coolie from accepting employment under such person,

shall be liable to have his license withdrawn or suspended for such period as the registering officer may direct.

Penalty for certain offences committed by registered coolies.

17. Every coolie empowered to work by the job, or for any period not exceeding twenty-four hours, who shall, without reasonable excuse, refuse to accept hire within the limits of such municipality at the rate fixed for such hiring;

or who shall desert from his hiring before being discharged therefrom;

or who shall demand more than the proper rate fixed for such hiring;

or who shall be drunk or make use of insulting or abusive language during the period of, or while waiting for, such hiring;

or who shall wrongfully prevent, or endeavour to prevent, any other coolie from being hired;

or who shall refuse to carry any load he may be legally called upon to carry;

or who shall fail to produce his table of rates when required to do so,

shall be liable to a penalty not exceeding Rs. ten, or in default of payment to imprisonment, rigorous or simple, not exceeding one month.

Penalty for being unlicensed or lending license to another.

18. Any coolie who shall work as such without being duly registered or licensed, and any coolie who, having a license in force, shall transfer or lend the same, or allow the same to be used by any other person, shall be liable upon conviction in respect of any one of such offences, to a penalty not exceeding Rs. ten, or in default of payment to imprisonment, rigorous or simple, not exceeding one month.

Coolie entitled to have new badge on loss or obliteration of former one.

19. Whenever the writing on any badge shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any badge shall be proved, to the satisfaction of the registering officer, to have been lost or mislaid, the coolie to whom the license relating to any such badge shall have been granted, shall deliver such badge (if he shall have the same in his possession), and shall produce such license to the registering officer, and such coolie shall then be entitled to have a new badge delivered to him upon payment of such sum of money, not exceeding one rupee, as the registering officer shall from time to time appoint.

Penalty for neglecting to deliver up badge, ending badge, &c.

20. Upon the expiration or other determination of any license granted to a coolie under this Act, such coolie shall deliver such license, and in the case of a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, the badge relating thereto, to the said registering officer; and every such coolie who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said officer; and also every coolie who shall use, or wear, or detain any badge which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every coolie to whom any badge shall have been delivered as aforesaid, who shall lend such badge to any other person, and every person who shall wear or use the badge of any other coolie, shall for every such offence be liable to a penalty of Rs. five, or in default of payment to imprisonment, rigorous or simple, not exceeding one week. It shall be lawful for the registering officer, or for any person employed by him for that purpose under the authority obtained as prescribed by section twenty-nine of this Act, to prosecute any coolie so neglecting to deliver up his license or badge at any period within twelve calendar months after the expiration of the license.

21. Every coolie or other person who shall, for the purpose of deception, use or wear, or have any badge resembling any badge granted under the authority of this Act, shall for every such offence be liable to a penalty not exceeding Rs. ten, or in default of payment to imprisonment, rigorous or simple, not exceeding one month. And it shall be lawful for any police officer, or any person employed for that purpose by the registering officer, to seize and take away any such badge, or any badge used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the registering officer.

Penalty for using or having a counterfeit badge.

22. Every coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, who shall be in possession of any lost or unclaimed property, shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit and leave the same with the inspector or other officer on duty, and any such coolie making default herein, shall be liable to a penalty not exceeding Rs. five, or in default of payment to imprisonment, rigorous or simple, not exceeding one week.

Penalty for not depositing lost or unclaimed property.

23. Whenever any coolie, after having been previously convicted of an offence under this Act, or any bye-law made in pursuance thereof, shall be again convicted of an offence under the Act or any bye-law made in pursuance thereof, he may be liable, in addition to the penalty attached to such offence, to imprisonment, rigorous or simple, not exceeding one month, and the like punishment of imprisonment not exceeding one month may be inflicted in addition to the punishment which may be inflicted for a first offence upon every subsequent conviction after the second.

Penalty for second and subsequent offences.

24. Whenever any coolie shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, or any bye-law made in pursuance thereof, he shall carry with him his license, and produce the same if required so to do; and any coolie who shall on such requisition fail to produce such license, shall for every such offence be liable to a fine not exceeding five rupees. It shall be lawful for any Magistrate, on conviction of any coolie of any offence under this Act, or any bye-law made in pursuance thereof, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

Conviction to be endorsed on coolie's license: Penalty for failing to produce.

25. It shall be lawful for any Magistrate before whom any coolie shall be convicted of any offence, whether under this Act or under any other law in force, to revoke the license of such coolie, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the coolie, or any other person in whose possession such license and the badge (if any) thereto belonging shall then be, to deliver up the same; and every coolie or other person who, being so required, shall refuse or neglect to deliver up such license and such badge, or either of them, shall be liable to a penalty not exceeding ten rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every badge delivered up to him under this section to the registering officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the badge (if it shall have come into the possession of the registering officer) to the coolie to whom it was granted.

Revocation or suspension of coolie's license on his conviction of any offence.

26. If any person who shall have hired any coolie shall refuse to pay such coolie, or any authorized agent on his behalf, the proper sum payable for such hiring, it shall be lawful for any Magistrate having jurisdiction in such case to order payment of such sum and also such compensation as shall seem reasonable, and in default of payment such sum and compensation may be recovered in the same way as fines are recoverable under Act of 1883, or other Act for the time being in force for the regulation of municipalities.

Penalty for refusing to pay legal fare.

27. In case of disputes as to the rate to be calculated according to distance, any table or book signed by the registering officer shall, on proof of such signature, be taken to be conclusive evidence of all distances therein stated to have been ascertained by the said officer.

Registrar's table of distances to be conclusive proof.

28. It shall be lawful for the Commissioners at a meeting to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned for the following purposes—

For the management of all matters connected with the registration and license of coolies.

For regulating the conduct of coolies registered under this Act.

To fix fines and penalties for offences committed against such bye-laws.

And generally for the purposes of this Act:

Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one offence committed against a bye-law shall exceed Rs. five.

Such bye-laws shall be subject to the sanction of the Local Government, and shall be published as the Local Government directs, and shall have the force of law at such time after such publication as the Local Government directs.

Power to make bye-laws.

29. Offences punishable under this Act, or any bye-law made in pursuance thereof, shall be triable by any Magistrate having jurisdiction in the place where the offence is committed, but such Magistrate shall be subject to the provisions of the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict:

Provided that the provisions of this section shall not apply to any of the offences punishable under section sixteen of this Act.

Jurisdiction.

30. All penalties and fines to be levied under this Act shall be placed to the credit o the Municipal Fund.

Disposal of fines.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to regulate the conditions under which coolies may work for hire and be hired in Hill Municipalities where their labour supplies the only form of locomotive power ordinarily available. Numerous complaints have been made by residents of Darjeeling of the misconduct and extortionate charges of *dandy* men and other coolies, and it has been decided to bring them under a law similar to the law for the regulation of Hackney Carriages and Palankeens, by which on the one hand their charges will be limited to a certain tariff and provision will be made for the punishment of misconduct, and on the other they will be secured the payment of such hire as they may earn. It is not proposed to interfere with coolies hired as regular servants for periods exceeding twenty-four hours, beyond requiring them to take out a license and providing that the license may be suspended or withdrawn on proof of misconduct.

The 16th December 1882.

COLMAN MACAULAY.

C. H. REILY,

Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

The Calcutta Gazette.

WEDNESDAY, FEBRUARY 7, 1883.

PART IV.

Bill of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 3rd February 1883, and was referred to a Select Committee who are to report thereon in three weeks :—

A Bill to amend the law relating to Jute-warehouses and Fire-brigades.

WHEREAS it is expedient to amend the law relating to Jute-warehouses and Fire-brigades: It is enacted as follows :— Preamble.

Preliminary.

1. This Act may be called the "Licensed Warehouse and Fire-brigade Act, 1883." Title.

It applies to Calcutta and to such portions of the Suburbs thereof as are for the time being subject to the operations of Bengal Act II of 1866, and also to the Municipality of Howrah: Extent.

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General. Commencement.

2. Bengal Act V of 1879 is hereby repealed. But all rules, orders, declarations, and appointments made under the said Act, and now in force, shall be deemed to have been made under this Act. Repeal of Bengal Act V of 1879.

3. In this Act, unless there be something repugnant in the subject or context— Interpretation.

"Jute" and "Cotton" mean respectively jute and cotton which have not been pressed or screwed as if for shipment: "Jute." "Cotton."

"Person" includes a firm and an undivided Hindu family: "Person."

"Magistrate" includes a Justice of the Peace for the Town of Calcutta, and any person exercising all or any of the powers of a Magistrate: "Magistrate."

"The Commissioners" mean, in respect of Calcutta, the Corporation of the Town of Calcutta, and, in respect of the Suburbs and Howrah, the Municipal Commissioners appointed or elected under the Bengal Municipal Act, 1876, or any other law for the time being in force relating to Municipalities. "The Commissioners."

"Warehouse" means any building or place used for the storing, keeping, pressing, or depositing of jute or cotton or other substance for the time being subject to the operation of this Act. "Warehouse."

PART I.

Licensed Warehouses.

4. No warehouse shall be used for the storing, keeping, pressing or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license for such use. Existing warehouses not to be used till licensed.

5. From and after the commencement of this Act every license granted to a warehouse under the Jute-warehouse and Fire-brigade Act of 1872 or 1879 shall be subject to the payment of an annual fee to be fixed by the Local Government, after consulting the Commissioners at a special meeting, and to be paid in such instalments as the Commissioners may direct. Fee for license for warehouse.

In fixing the amount of fee to be paid in respect of any warehouse, the Local Government shall have regard to the annual value thereof as it is for the time assessed to the payment of municipal taxes, to the size and position of the warehouse, to the number and excellence of

the pressing machines erected or proposed to be erected in such warehouse, and to the probable income derived from such warehouse by its owner or occupier.

The Local Government may from time to time, on the recommendation of the Commissioners at a special meeting, alter the amount of the fee to be paid in respect of any warehouse.

License for new warehouse.

6. Any person proposing to use any land for the purposes of a warehouse within the area to which this Act extends shall send to the Commissioners a plan of such land and all the buildings thereon, prepared in such manner as the Commissioners may direct, and it shall be within the discretion of the Commissioners at a special meeting to grant or refuse a license to establish the same.

Every license for a warehouse, to be granted under this section, shall be subject to the following conditions, namely,—

(1) that no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed or pressed, save within a building constructed of such materials, and on such a plan as may be approved of by the Commissioners;

(2) that no loose jute, jute rejections or cuttings, or cotton, shall be combed or dried except within an enclosure, and that the top or roof of any building or of any hut shall not be used for such combing or drying without the sanction in writing of the Commissioners;

(3) that space shall be reserved on land appertaining to the warehouse for the loading or unloading of carts;

(4) that no portion of the warehouse shall be used as a residence, and no artificial light (other than one duly and thoroughly protected) or lucifer matches shall be introduced therein, and that no person shall smoke therein;

(5) that the warehouse shall at all times be open to the inspection of officers duly appointed by the Commissioners;

(6) that the engines and furnaces used in the warehouse shall be placed as may be considered necessary by the Commissioners;

(7) that an annual fee shall be imposed in respect thereof as provided by the last preceding section:

Provided that the fee annually payable in respect of any warehouse under this or the last preceding section shall not be less than rupees fifty nor more than rupees two thousand.

Inspection of warehouses.

7. The Commissioners shall appoint a sufficient number of suitable officers for the inspection of warehouses within Calcutta, the Suburbs, and the Municipality of Howrah respectively; and any officer so appointed, and any Superintendent or Inspector or Sub-inspector of Police, may enter at any time into any warehouse and may inspect the same.

On change in occupation of warehouse, occupier to give notice.

8. On a change in the occupation of any warehouse, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Commissioners of such change of occupation, and shall thereupon pay to the Commissioners a fee of two rupees; and his name shall accordingly be substituted in such license for the name of the last occupier.

If any warehouse is let out in portions, the person so letting it out and entitled to the rent shall, for the purposes of this Act, be deemed to be the occupier.

Cancelment or suspension of license.

9. It shall be in the discretion of the Commissioners at a special meeting to cancel or to suspend for such time as they shall think fit the license of any warehouse in respect of which any one or more of the conditions under which such license is held shall appear to them to have been broken, or in respect of which the provisions of the last preceding section have been broken.

PART II.
Penalties.

Penalty for not taking out license.

10. Any person who without a license uses any warehouse for keeping or depositing jute or cotton shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such warehouse as aforesaid.

Penalty for establishing warehouse without license.

11. Any person who without a license uses for keeping or depositing jute or cotton any warehouse established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such warehouse is used for keeping or depositing jute or cotton without a license.

Penalty for using warehouse after refusal of license.

12. Any person who uses a warehouse for the keeping or depositing of jute or cotton after the Commissioners shall have refused or cancelled a license in respect thereof, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty on occupier in case of breach of conditions of license.

13. Whenever any of the conditions under which a license is held in respect of any warehouse have been broken in such warehouse, the person whose name appears on the license as the occupier of such warehouse shall be liable, on conviction before a Magistrate, to have his license cancelled, or to a fine not exceeding five hundred rupees.

Penalty on any person in case of breach of conditions of license.

14. Any person who breaks any of the conditions under which a license is held in respect of any warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

15. If on a change in the occupation of any warehouse, the person entering into occupation fail to give the notice required by section eight of this Act, such person shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

Penalty for omitting to give notice on change in occupation.

PART III.

Application of Funds.

16. The license fees and penalties received and levied under this Act shall be applied in the manner following, that is to say—

Funds how to be applied.

The Commissioners shall apply twenty per centum of such fees and penalties received and levied within their respective jurisdictions to the payment of the inspecting officers entertained under section seven of this Act, and to the payment of all expenses incurred by such Commissioners respectively in or about the inspection and superintendence of warehouses, and the granting of licenses in respect thereof.

Twenty per cent. to cost of inspection.

Any balance of such twenty per centum which may remain after payment of such expenses shall be credited to the Municipal Fund of Calcutta, or of the Suburbs, or of Howrah, as the case may be.

17. The remaining eighty per centum of such fees and penalties shall be paid by the Commissioners to the Commissioner of Police for the Town of Calcutta, and shall be applied by him to the maintenance of the fire-brigade as hereinafter provided.

Eighty per cent. to cost of fire-brigade.

PART IV.

Fire-brigade.

18. The Commissioner of Police for the Town of Calcutta shall maintain an efficient fire-brigade for the town and suburbs of Calcutta and for the Municipality of Howrah.

Maintenance of fire-brigade.

19. The Local Government may from time to time make, and, when made, alter or repeal such general or special orders as it may think fit—

Local Government may make orders.

For appointing or removing any member or officer of the force.

For furnishing the fire-brigade with such fire-engines, fire-escapes, horses, oxen, accoutrements, tools, and implements as it may think proper.

For building, providing or hiring places for the keeping of the force, engines, horses, and appurtenances.

For giving gratuities to persons who have given notice of fires.

For the training, discipline, good conduct, salaries, and pensions of the members of the force.

For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

For sending the force, engines, and appurtenances beyond the limits of the area to which this Act extends in order to extinguish fire in the neighbourhood of the said limits.

For imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these orders.

Generally, for the maintenance of the fire-brigade in a due state of efficiency.

Such orders shall be published in the *Calcutta Gazette*, and shall take effect from such publication.

20. On the occasion of a fire, the chief or other officer in charge of the fire-brigade on the spot may—

Powers of fire-brigade in cases of fire.

(*a*) remove, or may order any member of the brigade to remove, any persons who by their presence interfere with the due operations of the brigade;

(*b*) by himself or by his men break into or through, or pull down any premises for the purpose of putting an end to the fire, doing as little damage as possible;

(*c*) cause the mains and pipes of any district to be shut off, so as to give greater pressure of water in the place where the fire has occurred;

(*d*) call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank;

(*e*) and, generally, take such measures as may appear necessary for the preservation of life and property.

The chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Police officers to render assistance.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

Damage done to be deemed damage by fire.

But nothing in this section shall exempt any officer of the police or of the fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

21. In the case of any fire occurring in Calcutta or the Suburbs or in the Municipality of Howrah the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire, and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

Enquiry into origin of fire

Licenses and Penalties in respect of fire-works, &c.

22. Within the town and suburbs of Calcutta whoever shall let off rockets or send up fire-balloons without a license from the

Penalty for letting off rockets and selling fire-works without license.

Commissioner of Police, for which a fee not exceeding ten rupees shall be payable, and whoever shall sell fire-works without a license from the Commissioner of Police, for which a yearly fee not exceeding ten rupees shall be payable, shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for every such offence.

Powers to withdraw license.

23. The Commissioner of Police may at his discretion withdraw or suspend any license granted by him under the last preceding section:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

Exercise of powers in Howrah.

24. The powers conferred on the Commissioner of Police in respect of Calcutta and the Suburbs, by the two last preceding sections, shall be exercised in the Municipality of Howrah by the Chairman of the Commissioners.

Liability of householders.

25. In the event of any rockets being let off or fire-balloons sent up within the precincts of any private premises or compound without the express permission in writing of the Commissioner of Police, or the Chairman of the Commissioners, as the case may be, the occupier or owner, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

Miscellaneous.

Appropriation of existing balance.

26. Any sum standing at the credit of the Jute-warehouse fund at the time when this Act comes into force may be appropriated in such proportions as the Local Government may direct either as a grant to the Municipal Fund of Calcutta or of the Suburbs for general purposes, or to the purchase of new engines, plant or equipment for the fire-brigade referred to in section eighteen of this Act.

Local Government may declare the warehousing of any other substance to be subject to Act.

27. The Local Government may, on the recommendation of the Commissioners passed by resolution, declare that any other fibre, or any commodity which is stored or deposited in warehouses besides jute or cotton, shall be warehoused and kept subject to the provisions of this Act.

When such declaration shall have been made in the *Calcutta Gazette* this Act shall be read as if the name or names of the said fibre or commodity had been printed in addition to the words "jute" or "cotton" in the several sections of this Act wherein the said words "jute" or "cotton" may occur.

Submission of reports.

28. The Commissioners of the several jurisdictions to which this Act extends shall report to the Local Government once a year, at such time as the Local Government shall direct, shewing how the provisions of this Act have been carried out, and specifying the warehouses in respect of which licenses have been granted.

The Commissioner of Police for the town of Calcutta shall make a similar report, shewing the working of the fire-brigade during the year, the receipts and expenditure in respect thereof, and the proceedings taken by him under sections twenty-two and twenty-three of this Act.

Such reports shall be forthwith published in the *Calcutta Gazette*.

Power to arrest.

29. Any person committing any offence in respect of which a penalty is provided by section fourteen or section twenty-two or section twenty-four of this Act may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizance with or without sureties for his appearance before a Magistrate.

Offenders to be brought to trial.

30. Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

Form of license.

31. Every license granted under Part I of this Act shall, as far as possible, be in he form to the schedule to this Act annexed.

Saving of places of manufacture or retail trade.

32. Nothing in this Act shall be deemed to apply to buildings or places wherein small quantities of jute, cotton or other substance for the time being subject to the operation of this Act are deposited for the purpose of any manufacture or retail trade. The Local Government may from time to time declare, by notification in the *Calcutta Gazette*, what quantities of jute, cotton or other substance as aforesaid, shall be deemed to be small quantities within the meaning of this section.

SCHEDULE.

(*See section* 31.)

License under Bengal Act of 1883.

No. of 188 .

The Corporation of the Town of Calcutta (*or the Municipal Commissioners of the Suburbs of Calcutta or of Howrah, as the case may be*) hereby grant unto this license under Bengal Act of 1883, to store and press jute, (*or cotton or other substance, as the case may be*) in premises No. , Calcutta (*or the Suburbs of Calcutta or Howrah, as the case may be*) subject to the conditions noted on the back: and they hereby acknowledge to have received the sum of Rs. , being the license fee due by the said from to 188 in respect of the aforesaid premises, at the rate of Rs. per annum.

Name of owner

Name of occupier

Secretary to the Corporation
(or to the Municipal Commissioners).

The day of

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the law relating to jute warehouses and fire-brigade as contained in Bengal Act V of 1879.

Experience has shown the present law to be defective in two principal points—

First, though a part of the Act applies to the Municipality of Howrah, the provisions which relate to the maintenance of the fire-brigade extend only to Calcutta and the Suburbs. A separate fire-brigade has consequently to be kept up for Howrah by the Commissioners of that Municipality, and this arrangement is not found to conduce either to economy or to efficiency. The Bill therefore provides that in future there shall be one fire-brigade for Calcutta, the Suburbs, and Howrah, under the management and superintendence of the Commissioner of Police for Calcutta.

Secondly, the existing law provides that the expenses of the present fire-brigade shall be contributed in the proportions of seven-tenths by Calcutta and three-tenths by the Suburbs, and that the amount payable in any one year on this account by the Suburbs shall not exceed ten thousand rupees. The Act of 1879 materially altered the previous law in this respect. By Act II of 1872 the entire balance of the moneys derived from fees and penalties under the Act (after paying the expenses of inspection and superintendence of jute-warehouses) was to be paid to the credit of the fire-brigade account. If the sums received under the Act were insufficient to meet the expenditure on account of the fire-brigade, the balance was to be contributed in the proportion of seven-tenths by Calcutta, and three-tenths by the Suburbs, and the three-tenths thus payable by the Suburbs was not to exceed ten thousand rupees. But, by the Act of 1879, the entire charges on account of the fire-brigade, and not merely the charges in excess of the receipts from fees and penalties, are to be contributed in the above proportions by Calcutta and the Suburbs: and the effect of this has been to throw an unfair share of the burden on the Corporation of Calcutta, and on the occupiers of licensed warehouses within the town. The number of such warehouses in Calcutta is diminishing rather than increasing, whereas in the Suburbs there is a steady increase, and there were last year 92 licensed warehouses in the Suburbs against 73 in Calcutta. The consequence is that the receipts in Calcutta are insufficient to cover the seven-tenths of the cost which Calcutta is required to pay, and a deficit is left, which has to be made good from the general municipal fund of the Corporation. In the Suburbs, on the other hand, though the rates of license-fees are 50 per cent. lower than in Calcutta, the receipts are sufficient to cover the three-tenths of the fire-brigade charges, and to leave a considerable surplus. This surplus, however, cannot be applied either to meet the deficit in Calcutta, or for the purchase of new plant for the fire-brigade, though such purchase is urgently required. The surplus must go towards the reduction of license-fees in the Suburbs, though the fees are already as low as can reasonably be demanded, and seven-tenths of the cost of purchasing new plant must be contributed by Calcutta, although it is for the requirements of the Suburbs, and not of Calcutta, that the purchase is necessary.

The present apportionment is therefore inequitable as regards the distribution of the cost, and it also obstructs the full utilization of the moneys raised under the Act. The Bill proposes to remedy this by providing that the Municipal Commissioners of Calcutta, the Suburbs, and Howrah shall retain in their hands a certain percentage of their receipts to meet the cost of inspection and superintendence, and shall pay over the balance to the Calcutta Commissioner of Police for the maintenance of the Fire-brigade. The amount to be so retained is provisionally entered in the Bill at 20 per cent, which is believed to be somewhat higher than the actual charges incurred at present. Any saving on this amount will be at the disposal of the Commissioners for general municipal purposes.

There is a balance of above twenty thousand rupees to the credit of the Jute-warehouse Fund, and the Bill provides that this surplus may be granted, in such proportions as the Lieutenant-Governor may direct, to the Calcutta and Suburban Municipalities, and to the purchase of new plant for the Fire-brigade. It is thought to be more convenient to leave this distribution to the discretion of the Lieutenant-Governor than to attempt to determine by law how these accumulations ought to be appropriated.

The remaining changes made by the Bill are of no great importance. The phrase "licensed warehouse" has been substituted for "jute-warehouse," as it seems somewhat anomalous to say that a jute warehouse means a warehouse used for the storing of cotton. Section 6 of the Bill fixes the maximum and minimum amounts of license-fees in accordance with the rule now existing. Section 24 gives to the Chairman of the Howrah Municipality the same powers in respect of the issue of licenses for letting off rockets and sending up fire-balloons, and for the sale of fireworks, as are given in Calcutta and the Suburbs to the Calcutta Commissioner of Police. It may be a matter for consideration whether these powers should be exercised in Howrah by the Chairman of the Municipality, or by the Magistrate of the district. Section 28 provides that, in addition to the reports by the Municipal Commissioners, which are contemplated by the present law, a report on the financial position and working of the Fire-brigade shall be furnished by the Commissioner of Police for Calcutta. Section 32 of the Bill supplies a defect in the wording of the present section 31 of the Act. The Act specifies what quantity of jute shall be deemed a small quantity, but is silent as to the corresponding quantities of cotton or of any other substance which may be brought under the operation of the Act. The Bill therefore provides that the Lieutenant-Governor may from time to time notify what quantities of any substance shall be deemed to be small quantities within the meaning of the section.

H. J. REYNOLDS.

The 24th January 1883.

C. H. REILY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

The Calcutta Gazette.

WEDNESDAY, FEBRUARY 21, 1883.

PART IV.

Bill of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

The following report of the Select Committee, together with the Bill as amended by them, is by order of the President, published for general information :—

WE the undersigned members of the Select Committee on the Bengal Tramways Bill have the honour to make the following report.

We have considered a communication received from the Howrah Municipality.

We have also received a communication from the Magistrate of Rajshahye, who approves of the Bill.

We have struck out the word 'road' from the title and preamble of the Bill. The retention of the word might be considered to have the effect of restricting the operation of the Act to those tramways only which could be laid on existing public roads. But there may be many instances in which it may be desirable to carry tramways across places where there are no roads or where it may be necessary to diverge from existing roads.

We have considered a question which has been brought to our notice with reference to the last clause of section three, which requires that two-thirds of the members constituting a local authority should be present at the special meeting at which the resolution approving the intention to apply for permission to make a tramway is passed. It has been represented that this places it in the power of a minority of a little over one-third to stop such projects by staying away from the meeting or abstaining from voting. We have not, however, altered this provision of the Bill, for we think, in the consideration of a measure so important to the interests of any local authority as the construction of a tramway, it is proper that at least the proportion of members specified in the Bill should be required to meet for its discussion.

We have also considered a proposal that a proviso should be added to section three to release any local authority which may, before the passing of this Bill, have already passed a resolution approving the intention to apply for permission to make a tramway from the necessity of holding another meeting and passing another resolution in strict compliance with the terms of this section. But we have not thought it advisable to introduce such a proviso.

It has been brought to our notice that the maximum rates of fare prescribed in section twenty-three (twenty-four in the amended Bill), namely three annas for any distance not exceeding three miles and one anna per mile additional for greater distances, are only suitable for tramways laid in towns where the distances are short and the population large. For tramways laid in the country these rates might be insufficient. We have therefore altered the proviso in this section to the following form in order to admit of the maximum rates of fare being fixed for each tramway according to its circumstances :—

"Provided that the rate of fare for each person or parcel shall not exceed the maximum rate authorized in the order of the Local Government issued under section five."

We have made a corresponding alteration in section five.

We have struck out the latter portion of section thirty-three, which appears unnecessary, as being already provided in the Criminal Procedure Code.

We have omitted section thirty-six, which provided for the settlement of differences between promoters and local authorities or other persons affected by the works undertaken for the construction of tramways. The Advocate-General has expressed an opinion that the

section in the form in which it is introduced in the Bill would be *ultra vires*, as ousting the jurisdiction of the High Court. We have considered whether it would be advisable to alter the form of the section so as to make it permissive only, but have decided that in this form it would not have the practical effect desired, and that it will be better to omit the section altogether from the Bill and leave the question of arbitration to be settled in the agreement which must be entered into between promoters and local authorities.

We have made a slight alteration in the wording of section forty-one (forty in the amended Bill) to extend its provisions to cases in which promoters may, without being absolutely insolvent, yet be unable to maintain and work tramways in such a way as to be to the advantage of the public.

In section forty-two (forty-one in the amended Bill), relating to the purchase of tramways, we have omitted the portion which specified the manner in which the value of the tramway should be calculated, and substituted the following words :—

"And the value to be placed upon the tramway shall be calculated in a manner to be settled in the agreement entered into between the promoters and the local authority and set forth in the said order of the Local Government."

We have made a corresponding alteration in section five to provide that the terms of purchase shall be included in the agreement referred to. We have added the following proviso to section forty-two :—

"Provided that the promoters and the local authority may, with the consent of the Local Government, provide in the said agreement for the sale and purchase of the tramway on the expiration of any shorter periods than those hereinbefore specified.

We have made several other amendments in the wording of some of the sections, and were commend that the Bill as now amended be passed.

S. T. TREVOR.
H. REYNOLDS.
T. T. ALLEN.
BHUDEB MOOKERJEE.
(I sign with reservation, MAHOMED YUSUF.)
HARBUNS SAHAI.

CALCUTTA,
The 16th February 1883.

AMENDED BILL.

A Bill to authorize the making and to regulate the working of tramways in Bengal.

Preamble.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways within the territories subject to the Government of the Lieutenant-Governor of Bengal :

It is enacted as follows :—

Short title and commencement of Act.

1. This Act may be cited for all purposes as "The Bengal Tramways Act, 1883." It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation.

2. For the purposes of this Act, the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them.

"Local authority."

The term "Local authority" shall mean (1) bodies of persons for the time being appointed or elected to conduct the affairs of any municipality under Bengal Act V of 1876, or other law for the time being in force for the purpose of regulating municipalities in Bengal; (2) any Board, Committee, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road.

"Area."

The term "Area" in relation to a local authority shall mean the area within the jurisdiction of such local authority.

"Municipality."

The term "Municipality" shall mean any place in which Bengal Act V of 1876, or any other law for the time being in respect of Bengal municipalities, is in force.

"Road."

The term "Road" shall mean any carriage way, being a public thoroughfare, and the carriage way of any bridge forming part of or leading to the same.

"Tramway."

The term "Tramway" shall mean a tramway constructed under this Act.

PART I.

Orders by the Local Government authorizing the construction of Tramways.

By whom orders authorizing the construction of tramways may be obtained.

3. An order made by the Local Government authorising the construction of any tramways in any municipality or area may be obtained by—

1*st*.—The local authority of such municipality or area.

2*nd*.—Any person, persons, corporation or company with the consent of such local authority.

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters."

When applications for authority to construct tramways may be made.

Where the local authority consists of a body of persons, Board or Committee, no application shall be made to the Local Government for the purpose of authorising the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area.

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given, and such notice shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution.

Documents to be forwarded with application.

4. At the time of making an application for such order, the promoters shall also forward to the Local Government—

1*st*.—A memorial signed by the promoters descriptive of the undertaking.

2*nd*.—A copy of the proceedings and resolution of the special meeting held under the provisions of section three.

3*rd*.—A copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority.

4*th*.—An estimate of the proposed works, signed by the persons making the same.

5*th*.—All necessary maps, plans, sections, and drawings of the proposed work.

Local Government to determine on application and objection.

5. The Local Government shall consider the application and may, if it think fit, direct an enquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint.

Local Government may make and publish order.

Where it appears to the Local Government expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the Local Government may settle and make an order accordingly, and such order shall be published in the *Calcutta Gazette*.

Form and contents of order.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions, fix such maximum rates of fare, and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government according to the nature of the application and the facts and circumstances of each case thinks fit.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority, and one of the provisions of such agreement shall settle the manner in which the value of the tramway shall be calculated in the event of its purchase by the local authority under sections thirty-nine, forty or forty-one.

Power to revoke, amend or vary order.

6. The Local Government on the application of any promoters empowered by an order to construct a tramway may from time to time revoke, amend or vary such order by a further order:

Provided that whenever the promoters are not the local authority, the Local Government shall, before passing such order, call upon the local authority to state any objection it may have to such application.

Power to authorise joint work.

7. Subject to, and in accordance with the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act, which relate to the construction of tramways, shall extend and apply to the construction of the whole, and the separate parts of such tramway as last aforesaid; and the form of the order may be adapted according to the circumstances of the case.

Local Government may in certain cases dispense with consent of local authority.

8. Where it is proposed to lay down a tramway in two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto, the Local Government may nevertheless make an order authorising the construction of such tramway if it is satisfied after enquiry that two-thirds of the length of such tramway is proposed to be laid in an area or areas, the local authority of which area or areas does consent thereto.

Promoters' powers to cease at expiration of prescribed time.

9. If the promoters empowered by any order under this Act to make a tramway do not, within the period prescribed in such order, complete the tramway and open it for public traffic; or,

if the works are not substantially commenced within the latest date prescribed in such order for their commencement; or,

if the works, having been commenced, are suspended without a reason sufficient, in the opinion of the Local Government, to warrant such suspension;

the powers given by the order to the promoters for constructing such tramway, executing such works, or otherwise in relation thereto, shall cease to be exercised to the extent and in the manner specified in such order.

A notice inserted by the Local Government in the *Calcutta Gazette* to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

Payment of expenses when local authority are promoters.

10. When the local authority of any area are the promoters of any tramway, the expenses incurred by them in constructing and working such tramway under the provisions of this Act, including the expenses preparatory thereto, may be paid out of the funds under the control of such local authority.

11. When the local authority are not the promoters, they may fix and demand from the promoters such rent for the use of roads as may be agreed upon.

Rent for use of road when local authority are not promoters.

12. Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act may be applied by them to the purposes for which other funds under the control of such local authority may be applied.

Application of rent or tolls.

13. The Local Government may from time to time make, and when made, may revise, modify, annul or add to any rules it may be expedient to make for the purpose of carrying this Act into execution.

Power to make rules.

PART II.

Construction of Tramways.

14. Every tramway shall be constructed and maintained on such gauge and in such manner as may be specified in the order of the Local Government empowering the construction of such tramway, and before the work of construction is begun, the maps, drawings, and specification shewing the proposed construction of such tramway shall be submitted to the local authority and be approved by it, and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances as shall have been approved by such local authority.

Form in which tramways are to be constructed and maintained.

15. The promoters may from time to time, for the purpose of constructing and maintaining any tramways under this Act, open and break up the soil and pavement of any of the roads upon which the construction and maintenance of such tramway has been authorized by the order of the Local Government in that behalf, and therein lay sleepers and rails, and repair, renew, alter or remove the same; and may, for the purposes aforesaid, do in and on such roads all other acts which shall from time to time be necessary for constructing and maintaining their tramways:

Power to break up streets.

Provided that when the powers granted under this section shall be exercised by the promoters, who are not the local authority, such powers shall be exercised subject to the following regulations:—

1st.—They shall give to the local authority notice in writing of their intention to open or break up any such road, specifying the time at which they will begin to do so, and the portion of the road proposed to be opened or broken up. Such notice to be given at least seven days before the commencement of the work.

2nd.—They shall not open or break up or alter the level of any such road, except under the superintendence and to the reasonable satisfaction of the local authority, for which superintendence the promoters shall pay all reasonable expenses, unless the local authority neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work.

3rd.—They shall not, without the consent of the local authority in writing, open or break up at any one time a greater length than a quarter of a mile in any one length and shall leave an interval of at least a quarter of a mile between any two such places at which they may open or break up such road.

4th.—They shall, with all convenient speed, and in all cases within two calendar months at the most, unless the local authority otherwise consent in writing, complete the work for which the said road shall be broken up, and fill in the ground, and make good the surface, and, to the reasonable satisfaction of the local authority, restore the road to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.

5th.—They shall in the meantime, when such road is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

6th.—They shall make good all damage done to the gas and water-pipes, sewers, drains, culverts, bridges, and fences whether belonging to the local authority or to private individuals, by the disturbance there of, and shall not cause any interruption in the supply of gas in or through any main or pipe, or the flow of water through any pipe, drain, culvert, bridge or other waterway; if they fail to make such damage good, or to remove such interruption within reasonable time, the local authority may, without prejudice to the penalties payable under section twenty-nine, cause the same to to made good at the promoters' expense.

16. The promoters shall, at their own expense at all times, maintain and keep in good condition and repair, in such manner as the local authority shall direct, the rails of which any of their tramways shall for the time being consist, and so much of any road as lies between the rails of any tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway; and in the course of carrying out repairs, it shall not be necessary to give notice thereof to the local authority.

Promoters to keep the tramway roads in proper repair.

17. In exercising the powers given to them by the last two preceding sections, the promoters shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the roads or to the ordinary means of approach to houses situated on either side of the roads, and so as to admit of as free and unrestricted entry at all times into the sewers, drains, culverts, and bridges for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas pipes by the direction of the local authority.

Promoters not to obstruct ordinary traffic.

18. Nothing in this Act, or in any bye-law made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on rails. But the right of the public shall not include the use of any new roadway, embankment or earthwork constructed or acquired for the special and exclusive use of the tramway.

Reservation of right of public to use roads.

19. Notwithstanding anything in this Act contained the promoters shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they lay any tramway.

Right of user only.

PART III.

Working of Tramways.

20. No tramway shall be opened for public traffic until the same has been inspected and certified by an Engineer or other officer, appointed in that behalf by the Local Government, to be fit for such traffic.

No tramway to be opened without certificate from Engineer.

21. When a tramway has been completed under the provisions of this Act and certified to be fit to be opened for public traffic under the last preceding section, the local authority or other promoters may, subject to the provisions of this Act, place and run carriages on such tramway and demand and take tolls and charges in respect of the use of such carriages; or may, by lease, to be approved of by the Local Government, demise to any person, persons, corporation or company the right of user by such person, persons, corporation or company of the tramway, and of demanding and taking in respect of the same the tolls and charges authorised; or such authority may leave such tramway open to the public, and may in respect of such user demand and take the tolls and charges authorised.

Local authority may lease or take tolls.

22. The cars and carriages of the promoters on the lines of the tramways shall be worked with such power, animal, mechanical or otherwise, as may be specified in the order issued by the Local Government under section six.

Carriages how to be worked.

23. The promoters may use on their tramways carriages with flange wheels or wheels suitable for running on the prescribed form of rail, and, subject to the provisions of this Act, they shall have the exclusive use of their tramways for carriages with flange wheels, or other wheels suitable for the said form of rail.

Promoters may use tramway carriages with flange wheels.

24. The promoters shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of their tramways, or for the carriage of goods by their tramways:

Promoters may fix and demand fares.

Provided that the rate of fare for each person or parcel shall not exceed the maximum rates authorized in the order of the Local Government issued under section five.

25. A printed list in English and the vernacular of the district of all the fares and charges fixed under the authority of the last preceding section and a printed copy in the same languages of all bye-laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the promoters upon any of their tramways.

Printed list of fares, &c., to be placed in carriages.

The fares and charges fixed as aforesaid shall be paid to such persons at such places, upon or near to the tramways, and in such manner and under such regulations as the promoters may, by notice to be annexed to the list of fares, from time to time appoint.

Fares how to be paid.

26. The members constituting the local authority in a municipality or area in special general meeting may, subject to confirmation thereof by the Local Government, from time to time, make such bye-laws as to the rate of speed, number of passengers, and mode of use of the tramways as the convenience and safety of the public may require, and as are not inconsistent with this Act or any rules framed under section twelve.

Bye-laws by local authority.

27. The promoters may, subject to confirmation as aforesaid, from time to time, make such bye-laws—

The promoters may make certain bye-laws.

for preventing disturbances, or the entry of persons suffering from infectious diseases, or the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them; and

for regulating the travelling in or upon any carriage belonging to them:

Provided that such bye-laws are not inconsistent with this Act or with any rules or bye-laws framed under sections twelve and twenty-six.

28. All rules and bye-laws made under sections thirteen, twenty-six, and twenty-seven shall be published in the *Calcutta Gazette*, and such rules and bye-laws when so published shall, until repealed or altered, be of the same effect as if they had been inserted in this Act.

Publication of bye-laws.

PART IV.

Offences.

29. If the promoters, not being the local authority, fail in any respect to comply with the provisions of sections fourteen, fifteen, sixteen, seventeen, twenty, and twenty-two of this Act, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act,

Penalty for failure of promoters to comply with provisions of this Act.

or to any other remedy against them), upon complaint of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred.

Penalty for obstructing promoters in the exercise of their power.

30. If any person wilfully obstructs any person acting under the authority of the promoters in the lawful exercise of their powers in setting out or making, laying down, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the lines of the tramway, he shall for every offence be liable to a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent court.

Penalty for interfering with tramway.

31. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely—

interferes with, removes or alters any part of a tramway of the promoters, or of the works connected therewith;

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways;

or knowingly aids or assists in the doing of such thing, he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees.

Penalty for avoiding payment of proper fare.

32. If any person travelling or having travelled in any carriage of the promoters avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding ten rupees.

Servant of promoters may arrest persons avoiding payment of fare.

33. It shall be lawful for any servant of the promoters, to arrest and take to the nearest police-station any person who shall be discovered in committing or attempting to commit any such offence as in the last preceding section mentioned, and who shall refuse to give his name and residence, and is unknown to such servant and the police officer in charge of the said police-station, on receiving a complaint that an offence under this Act has been committed, shall, if such person still persists in refusing to give his name and residence, cause the said person to be taken before a Magistrate with the least possible delay not exceeding twenty-four hours.

Carriage of dangerous or offensive goods.

34. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the promoters to refuse to accept or carry any parcel that they may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact.

Penalty for breach of bye-laws.

35. Any person offending against any bye-law made under the provisions of this Act shall forfeit for every offence any sum not exceeding twenty rupees to be imposed in such bye-laws as a penalty for such offence.

PART V.

Miscellaneous.

Promoters to be responsible for all damages.

36. The promoters shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and in all cases where the promoters are not the local authority they shall save harmless the local authorities and their respective officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Power for the local authority or police to regulate traffic on roads.

37. Nothing in this Act shall limit the powers of the local authority or the police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such local authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters as to the traffic of other persons.

The local authority shall not be liable to pay to the promoters any compensation for loss of traffic occasioned by the reasonable exercise of such authority.

Reservation of power over roads.

38. Nothing in this Act shall be construed to prevent the local authority or any corporate body or persons in the exercise of the powers conferred upon them under any law for the time being in force from opening, breaking up, widening, altering, diverting or improving any of the roads, bridges, drains or culverts traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert or improve the same: Provided—

(1) that they shall cause as little detriment or inconvenience to the promoters as circumstances admit;

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of them on giving twenty-four hours' previous notice in writing to the promoters;

(3) that before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters notice of their intention to commence such work, specifying the time at which

they will begin to do so; such notice to be given eighteen hours at least before the commencement of the work;

(4) that in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportioned to the length of road over which and time during which running is stopped, shall be made from the rent (if any) reserved and payable by the promoters;

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement, shall be executed by the promoters at the expense of the local authority.

Discontinuance of Tramways.

39. If at any time after the opening of any tramway for traffic, the promoters discontinue the working of such tramway or of any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Local Government, the Local Government if it think fit may by order declare that the powers of the promoters in respect of such tramway or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the promoters shall cease, and determine unless the same are purchased by the local authority in manner by this Act provided. Where such order has been made the engineer or other officer appointed on that behalf by the Local Government may at any time after the expiration of two months from the date of such order remove the tramway or part of the tramway so discontinued, and the promoters shall pay to such engineer or officer the cost of such removal and of the making good of the road by such engineer or officer. Such cost to be certified by such engineer or officer whose certificate shall be final and conclusive. And if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, such engineer or officer may without any previous notice to the promoters (but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums and to such person or persons as such engineer or officer may think fit; and may out of the proceeds of such sale make and reimburse himself the amount of cost certified as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the said engineer or officer to the promoters.

Tramways to be removed in certain cases.

Inability of Promoters.

40. If at any time after the opening of any tramway it appears to the local authority, or to the Magistrate of the district in which such tramway is situate, that the promoters of such tramway are insolvents, or that they are unable to maintain such tramway, or work the same with advantage to the public, the Local Government, upon a representation to that effect made by such Magistrate or local authority, may direct an enquiry by a referee into the truth of the representation, and if the referee shall find that the promoters are such insolvents or that they are unable to maintain such tramway or work the same with advantage to the public, the Local Government may by order, declare that the powers of the promoters shall at the expiration of six calendar months from the making of the order, be at an end, and the powers of the promoters shall cease and determine at the expiration of the said period unless the same are purchased by the local authority in manner by this Act provided, and thereupon the engineer or other officer appointed on that behalf by the Local Government may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for the recovery of such costs in every respect as in cases of removal under the next preceding section.

Proceedings in case of inability of promoters.

Purchase of Tramways.

41. The local authority shall have the right of purchasing the tramway with the plant, buildings, stores, rolling stock, and everything connected therewith upon the expiration of twenty-one years from the date of the order of the Local Government authorising the construction of such tramway upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given, and the value to be placed upon the tramway shall be calculated in a manner to be settled in the agreement entered into between the promoters and the said local authority and set forth in the order of the Local Government:

Provided that the promoters and the local authority may, with the consent of the Local Government, provide in the said agreement for the sale and purchase of the tramway on the expiration of any shorter periods than those hereinbefore specified.

Local authority to have right of purchasing tramway after 21 years.

C. H. REILY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

THE following report of the Select Committee, together with the Bill as amended by them, is, by order of the President, published for general information :—

WE, the members of the Select Committee appointed to report upon the Bill for the general control of Coolies in Hill Municipalities, have the honour to report that we have considered the Bill.

We are of opinion that it is unnecessary to leave it to the discretion of the Executive Government to define the class of persons to be brought within the provisions of the proposed law as coolies, nor do we consider it necessary to provide for the extension of the law to any class of municipalities.

We have restricted the operation of it to the control of porters and dandeewallahs in the Darjeeling and Kurseong Municipalities, and we have modified the title accordingly. We are not aware that any necessity for legislation of this kind is felt elsewhere than at Darjeeling and Kurseong, or in regard of servants and labourers of any other classes than those which we have specified.

We have considered whether the Bill should be confined to coolies engaged for the job or for the day, or whether it should include coolies hired for a longer period, or as monthly servants. We understood that much of the inconvenience which the Bill is intended to remedy arises from the misconduct of servants of this latter class; and we have accordingly made the Bill applicable to them. But we do not propose that they should come under its penal sections, and we have only required them to be registered and licensed, and have provided that their licenses may be withdrawn if they desert their employment or are guilty of gross misconduct. A similar rule is in force in many towns, and we understand that in the Municipality of Simla all servants without exception are required to be registered and to take out licenses for which fees are charged.

The Bill therefore, as we have now recast it, applies to coolies of two different classes. We require both classes to be registered and licensed, but in other respects we draw a marked distinction between the two. Coolies who work as monthly servants or engage themselves for periods exceeding twenty-four hours are liable to have their licenses withdrawn by order of the Chairman of the Municipality in case of misbehaviour. If they still wish to continue working, they must do so as coolies of the other class. This class consists of coolies who work by the job or by the day, and we consider that for them more stringent regulations are necessary. We require such a coolie to wear a badge; to carry a table of rates; to accept hire when called upon to do so; to limit his demand of payment to the rates authorized by the Municipal Commissioners, and to be sober and civil in his behaviour while employed or waiting for employment. We do not allow the license of such a cooly to be cancelled by the Municipal Commissioners, but only on his conviction before the Magistrate of an offence made punishable by the Act or by the general law.

We have made some minor changes in the Bill. In section 7 (now section 5), we have extended the period allowed from three to twenty-four hours. We have omitted the section requiring a registered coolie to give notice of his change of residence, and also the section which imposes an increased penalty for second and subsequent offences. We think that these provisions can be dispensed with, and we desire to make the Bill as simple and as lenient as is compatible with the attainment of the object for which it was introduced. We have omitted the section which declares the registrar's book or table of distances to be conclusive evidence of all distances therein entered, as we think it doubtful whether such a section might not be held to conflict with the Indian Evidence Act. We have also struck out the section giving the Municipal Commissioners power to make bye-laws under the Act, as we believe that the Bill as it stands includes all provisions which are necessary.

The changes which we have made are all in the direction of limiting the application of the Bill as originally drafted, and we therefore think that the republication of the Bill is not necessary. We recommend that the Bill be passed as now amended.

CALCUTTA,
The 17th January 1883.

C. MACAULAY.
H. J. REYNOLDS.
T. T. ALLEN.
S. T. TREVOR.
BHUDEB MOOKERJEE.

AMENDED BILL.

A Bill for the registration and control of Porters and Dandeewallas in the Darjeeling and Kurseong Municipalities.

WHEREAS it is expedient to provide for the registration and control of porters and dandeewallas in the Darjeeling and Kurseong Municipalities: It is enacted as follows:—

Preamble.

1. In this Act the term "Coolie" shall be limited to porters and to dandeewallas, and other persons employed in carrying, drawing or propelling any vehicle.

Interpretation.

The term "Commissioners" means the Commissioners of the Municipalities of Darjeeling or Kurseong constituted under the Bengal Act, V of 1876, or other Act for the time being in force for the regulation of Municipalities.

2. This Act shall come into force in the Darjeeling and Kurseong Municipalities respectively when extended thereto by an order of the Lieutenant-Governor published in the *Calcutta Gazette*. Such order shall specify the date on which this Act shall commence in such Municipality, and shall operate to extend the provisions of this Act to such Municipality according to its tenor.

Commencement.

The Lieutenant-Governor may at any time cancel or modify an order made under this section.

3. The Commissioners shall, within fifteen days of such publication, cause a copy of the order to be deposited in the office of the Commissioners, and a copy shall be posted up in a conspicuous position at such office, and in such other places as the Commissioners may direct;

Publication of order.

and a public proclamation of such order shall be made throughout such Municipality by beat of drum.

4. The Commissioners at a meeting shall, for the purposes of this Act, appoint a registering officer.

Commissioners to appoint a registering officer.

5. Every coolie personally working for gain within the limits of such Municipality shall take out a license and shall thereupon be registered by the registering officer appointed under the last preceding section, who shall keep a register in which he shall enter the name and residence of every such coolie, and every person applying shall at all reasonable times be furnished with a certified copy of such particulars on payment of a fee of eight annas:

Licensing and registration of coolies.

Provided always that the provisions of this section shall not apply to any coolie who is hired beyond the limits of the Municipality for a period of time not exceeding twenty-four hours, but who performs a portion of the work imposed by such hiring within such limits.

6. The year of registration shall commence on the first day of January of each year, and every license granted on any date within that year shall subject to the provisions of sections 12 and 20 remain in force to the thirty-first day of December next following and no longer.

Period of license.

7. Every license granted by the registering officer shall specify the number of the license, and the name and place of abode, and age of the coolie to whom such license is granted, and shall further state whether such coolie is licensed to work as—

Details of license.

(*a*) a monthly or other servant for a fixed period of time exceeding twenty-four hours, or

(*b*) a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours.

Every license shall bear date on the day on which the same shall be granted.

8. The registering officer shall, at the time of granting the license to any coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, deliver to him a metal badge, upon which shall be marked or engraved a number corresponding with the number of such license. Every coolie to whom such badge is delivered shall at all times, while waiting for hire, or during the performance of his duties as such coolie, or while attending before any Magistrate, carry such badge exposed to view.

Licensed coolie to wear badge.

9. Whenever any coolie empowered to work by the job, or for any period not exceeding twenty-four hours shall omit to wear such badge exposed to view as aforesaid, he shall be liable to a penalty not exceeding five rupees.

Penalty for omitting to wear badge.

10. The Commissioners at a meeting may, with the consent of the Lieutenant-Governor, make and publish in such manner as they think fit an order specifying the rates of hire in respect of all coolies empowered to work by the job, or for any period not exceeding twenty-four hours. Such rates shall include rates calculated according to distance as well as rates calculated according to time and such rates may from time to time be varied with the like sanction:

Rates of hire to be made and published.

Provided that the list of rates calculated according to distance shall include rates in respect of such places situate beyond the limits of the Municipality as may from time to time be determined upon by the Commissioners.

A table of the rates of hire legibly written or printed in the English, Urdu, and Bengali languages shall be affixed in some conspicuous place within the limits of the Municipality, and a copy of the same, or such portion thereof as may be deemed sufficient, shall be given to every coolie at the time of registration.

Every order made under this section shall be published in the *Calcutta Gazette*.

11. Every such coolie shall be entitled to receive payment for his hiring in accordance with the rates specified in the order mentioned in the last preceding section:

Coolie entitled to payment according to rates fixed, subject to special agreements for lower rates.

Provided that nothing in this Act contained shall prevent any such coolie from being bound by any contract into which he may enter to receive payment at a rate lower than that fixed by such order.

12. Any coolie engaged as a monthly servant, or for some other fixed period of time exceeding twenty-four hours, who shall be proved to the satisfaction of the Chairman of the Commissioners,

Registration of coolies when engaged as monthly servants.

to have deserted from such employment without reasonable cause during the period of his engagement;

or to have been guilty of gross misconduct during such period of time;

or to have wrongfully prevented or endeavoured to prevent any other coolie from accepting employment,

shall be liable to have his license withdrawn or suspended for such period as the Chairman may direct.

Penalty for certain offences committed by registered coolies.

13. Every coolie empowered to work by the job, or for any period not exceeding twenty-four hours, who shall, without reasonable excuse,

refuse to accept hire within the limits of such Municipality at the rate fixed for such hiring;

or desert from his hiring before being discharged therefrom;

or demand more than the proper rate fixed for such hiring;

or be drunk or make use of insulting or abusive language during the period of, or while waiting for, such hiring;

or wrongfully prevent, or endeavour to prevent, any other coolie from being hired;

or fail to produce his table of rates when required to do so,

shall be liable to a penalty not exceeding ten rupees, or in default of payment to imprisonment not exceeding one month.

Penalty for being unlicensed or lending license to another.

14. Any coolie who shall work as such without being duly registered and licensed, and any coolie who, having a license in force, shall transfer or lend the same, or allow the same to be used by any other person, shall be liable upon conviction in respect of any one of such offences, to a penalty not exceeding ten rupees, or in default of payment to imprisonment not exceeding one month.

Coolie entitled to have new badge on loss or obliteration of former one.

15. Whenever the writing on any badge shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any badge shall be proved, to the satisfaction of the registering officer, to have been lost or mislaid, the coolie to whom the license relating to any such badge shall have been granted, shall deliver such badge (if he shall have the same in his possession), and shall produce such license to the registering officer, and such coolie shall then be entitled to have a new badge delivered to him upon payment of such sum of money, not exceeding one rupee, as the registering officer shall from time to time appoint.

Penalty for neglecting to deliver up badge, lending badge, &c.

16. Upon the expiration or other determination of any license granted to a coolie under this Act, such coolie shall deliver such license, and in the case of a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, the badge relating thereto, to the said registering officer; and every such coolie who, after such expiration or determination as aforesaid, shall wilfully neglect for one week to deliver the same to the said officer; and also every coolie who shall use, or wear, or detain any badge which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every coolie to whom any badge shall have been delivered as aforesaid, who shall lend such badge to any other person, and every person who shall wear or use the badge of any other coolie, shall for every such offence be liable to a penalty of five rupees, or in default of payment to imprisonment not exceeding one week. It shall be lawful for the registering officer, or for any person employed by him for that purpose under the authority obtained as prescribed by section twenty-three of this Act, to prosecute any coolie so neglecting to deliver up his license or badge at any period, within twelve calendar months, after the expiration of the license.

Penalty for using or having a counterfeit badge.

17. Every coolie or other person who shall, for the purpose of deception, use or wear, or have any badge resembling any badge granted under the authority of this Act, shall for every such offence be liable to a penalty not exceeding ten rupees, or in default of payment to imprisonment, not exceeding one month. And it shall be lawful for any police officer, or any person employed for that purpose by the registering officer, to seize and take away any such badge, or any badge used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the registering officer.

Penalty for not depositing lost or unclaimed property.

18. Every coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, who shall be in possession of any lost or unclaimed property, shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit and leave the same with the sub-inspector or other officer on duty, and any such coolie making default herein, shall be liable to a penalty not exceeding five rupees, or in default of payment to imprisonment, not exceeding one week.

Conviction to be endorsed on coolie's license: Penalty for failing to produce.

19. Whenever any coolie shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any coolie who shall on such requisition fail to produce such license, shall for every such offence be liable to a fine not exceeding five rupees. It shall be lawful for any Magistrate, on conviction of any coolie of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the penalty inflicted.

Revocation or suspension of coolie's license on his conviction of any offence.

20. It shall be lawful for any Magistrate before whom any coolie shall be convicted of any offence, whether under this Act or under any other law in force, to revoke the license of such coolie, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the coolie, or any other person in whose possession such license and the badge (if any) thereto belonging shall then be, to deliver up the same; and every coolie or other person who, being so required, shall refuse or neglect to deliver up such license and such badge, or either of them, shall be liable to a

penalty not exceeding ten rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every badge delivered up to him under this section to the registering officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the badge (if it shall have come into the possession of the registering officer) to the coolie to whom it was granted.

Penalty for refusing to pay legal fare.

21. If any person who shall have hired any coolie shall refuse to pay such coolie, or any authorized agent on his behalf, the proper sum payable for such hiring, it shall be lawful for any Magistrate to order payment of such sum and also such compensation as shall seem reasonable, and in default of payment such sum and compensation may be recovered in the same way as fines are recoverable under any Act for the time being in force for the regulation of Municipalities.

Jurisdiction.

22. Offences punishable under this Act, shall be triable by any Magistrate having jurisdiction in the place where the offence is committed, but such Magistrate shall be subject to the provisions of the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict:

Provided that the provisions of this section shall not apply to section twelve of this Act.

Disposal of fines.

23. All penalties and fines to be levied under this Act shall be placed to the credit of the Municipal Fund.

The Calcutta Gazette.

WEDNESDAY, FEBRUARY 28, 1883.

PART IV.

Bill of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE foll owing report of the Select Committee, together with the Bill as amended by them, is, by order of the President, published for general information :—

We, the members of the Select Committee to which the Bill to amend the law relating to Jute-warehouses and Fire-brigades was referred, have the honour to report that we have considered the Bill and the papers noted in the margin. No direct communication reached us from the Commissioners of the Suburbs of Calcutta, but a paper, purporting to embody the opinions of the Commissioners upon the Bill, was published in a Calcutta newspaper.

From the Commissioner of Police, Calcutta, dated the 6th February 1883.

From the Secretary to the Calcutta Corporation, dated the 15th February 1883.

Demi-official letter from the Magistrate of Howrah, dated the 11th February 1883.

We have modified section 5 in accordance with the recommendations of the Commissioner of Police. If the law as it stands were strictly carried out, it would be necessary for the Government to consult the Commissioners and to fix the fee in the case of each separate license. Such a procedure would be highly inconvenient; and, as a matter of fact, it is not the system which is adopted. The Government fixes a percentage upon the municipal valuation, and the Commissioners determine the fee payable on account of each warehouse accordingly. We think that the right principle is that the scale of fees should be fixed by the Government, and that it should be left to the Commissioners to apply it in each case. That the scale should take the form of a percentage on the municipal valuation is a convenient plan, but we think it should be open to the Government to take other circumstances also into consideration, such as the number and quality of the pressing machines used in the warehouse. We have worded the section accordingly, but we have struck out the clause of the present law, which requires the Government to have regard to the probable income derived from the warehouse. It does not appear to us that this is a point which should be considered in determining the fee.

After the first clause of section 6, we have inserted words to provide that a new license may be either permanent or may be granted for a term of years. The Commissioner of Police suggests that a term of 20 years should be fixed for licenses already granted. We are not prepared to adopt this proposal.

We have struck out the proviso at the end of section 6. It is not in the present law, though it is in accordance with existing practice, and its retention seems to us unnecessary, if the principle of a scale of fees is adopted.

In section 16 we consider that the Municipal Commissioners have no claim to any share in the fees and penalties levied under Part IV of the Act. The whole of these should be appropriated to the expenses of the fire-brigade.

We understand that the Commissioners of the Suburbs think that the allowance of 20 per cent provided by this section for the cost of inspection and superintendence is insufficient. We have carefully considered this point, and we are of opinion that no higher percentage ought to be allowed. If the Commissioners cannot provide for the cost of inspection and superintendence from the allowance of 20 per cent. of the fees and

penalties under Parts I and II of the Act, they should be required to make good the balance from the general fund of the municipality.

It has been suggested that the budget of the fire-brigade ought to be laid before the Municipal Commissioners before being submitted to the Government. This appears to us a reasonable proposal, and we have added a section to provide that this shall be done, and that if the budget shews a surplus, the scale of fees may be reduced, and that it may be raised if the budget shews a deficit.

In the last clause of section 21 (formerly section 20) we have adopted the suggestion made in Council when the Bill was introduced, and have provided that no officer of the police or of the fire-brigade shall be held liable to damages on account of any act done by him in the *bonâ fide* belief that such act was required in the proper execution of his duties. This amendment is supported by the Commissioner of Police.

In section 23 (formerly section 22) we have expunged the provision which makes a fee payable for a license to let off rockets or to send up fire-balloons. In section 25 (formerly section 24) we have thought it better that the Magistrate shall be the authority to exercise the powers in question. The functions appear to us more properly to belong to the head of the Police than to the head of the Municipality. We have added a section to specify the funds available for the maintenance of the fire-brigade.

In section (formerly section 27) we have considered the question of retaining the words "any other commodity." We are of opinion that depôts for the storage of such commodities as hay, straw, firewood, and the like ought not to be brought under the operation of this Act. The Municipal Acts, both for Calcutta and for the Mofussil, already give the Commissioners ample powers for regulating places used for the storage of such inflammable materials. The retention of the word "fibre" in the section is sufficient to cover the cases of hemp and flax, though it may be doubted whether it would apply to wool; and we consider that wool, if it were stored in any large quantities, might properly be subjected to the provisions of the Act. But we believe that there is no practical necessity for including wool, and we have accordingly confined the wording of the section to fibres.

In section (formerly section 30) we have provided that an arrested person shall be brought before a Magistrate as soon as possible, but in every case within 24 hours.

We have made a few other verbal amendments. We are of opinion that the Bill should be passed as now amended; but as we have made considerable alterations in the draft, we recommend that the Bill should be republished before it is taken into further consideration by the Council.

H. REYNOLDS.
T. T. ALLEN.
J. E. CAITHNESS.
BHUDEB MOOKERJEE.

CALCUTTA,
The 21st February 1883.

AS AMENDED BY THE SELECT COMMITTEE.

A Bill to amend the law relating to Jute-warehouses and Fire-brigades.

WHEREAS it is expedient to amend the law relating to Jute-warehouses and Fire-brigades: It is enacted as follows:—

Preamble.

Preliminary.

1. This Act may be called the "Licensed Warehouse and Fire-brigade Act, 1883."

Title.

It applies to Calcutta and to such portions of the Suburbs thereof as are for the time being subject to the operation of Bengal Act II of 1866, and also to the Municipality of Howrah:

Extent.

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement.

2. Bengal Act V of 1879 is hereby repealed. But all rules, orders, declarations, and appointments made under the said Act, and now in force, shall be deemed to have been made under this Act.

Repeal of Bengal Act V of 1879.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation.

"Jute" and "Cotton" mean respectively jute and cotton which have not been pressed or screwed as if for shipment:

"Jute." "Cotton."

"Person" includes a firm and an undivided Hindu family:

"Person."

"Magistrate" includes a Justice of the Peace for the Town of Calcutta, and any person exercising all or any of the powers of a Magistrate:

"Magistrate."

"The Commissioners" mean, in respect of Calcutta, the Corporation of the Town of Calcutta, and, in respect of the Suburbs and Howrah, the Municipal Commissioners appointed or elected under the Bengal Municipal Act, 1876, or any other law for the time being in force relating to Municipalities.

"The Commissioners."

"Warehouse" means any building or place used for the storing, keeping, pressing, or depositing of jute or cotton or other fibre for the time being subject to the operation of this Act.

"Warehouse."

PART I.

Licensed Warehouses.

4. No warehouse shall be used for the storing, keeping, pressing or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license for such use.

Existing warehouses not to be used till licensed.

5. From and after the commencement of this Act every license granted to a warehouse under the Jute-warehouse and Fire-brigade Act of 1872 or 1879 shall be subject to the payment of an annual fee. Such fee shall be determined by the Commissioners in accordance with a scale to be fixed from time to time by the Local Government after consulting the Commissioners at a special meeting, and shall be paid in such instalments as the Commissioners may direct.

Fee for license for warehouse.

The Local Government may at its discretion fix such scale of fees either —

(1) in proportion to the annual value of the warehouse as it is assessed to the payment of municipal taxes: or

(2) in proportion to the value of the machinery erected or proposed to be erected in such warehouse: or

(3) in proportion to such annual value of the warehouse, and to the value of the machinery, taken together.

The Local Government may from time to time, on the recommendation of the Commissioners at a special meeting, alter the scale of fees to be paid in respect of warehouses.

6. Any person proposing to use any land for the purposes of a warehouse within the area to which this Act extends shall send to the Commissioners a plan of such land and all the buildings thereon, prepared in such manner as the Commissioners may direct, and it shall be within the discretion of the Commissioners at a special meeting to grant or refuse a license to establish the same.

License for new warehouse.

Such license may be either permanent, or may be granted for such term of years as the Commissioners shall think fit.

Every license for a warehouse, to be granted under this section, shall be subject to the following conditions, namely,—

(1) that no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed or pressed, save within a building constructed of such materials, and on such a plan as may be approved of by the Commissioners;

(2) that no loose jute, jute rejections or cuttings, or cotton, shall be combed or dried except within an enclosure, and that the top or roof of any building or of any hut shall not be used for such combing or drying without the sanction in writing of the Commissioners;

(3) that space shall be reserved on land appertaining to the warehouse for the loading or unloading of carts;

(4) that no portion of the warehouse shall be used as a residence, and no artificial light (other than one duly and thoroughly protected) or lucifer matches shall be introduced therein, and that no person shall smoke therein;

(5) that the warehouse shall at all times be open to the inspection of officers duly appointed by the Commissioners;

(6) that the engines and furnaces used in the warehouse shall be placed as may be considered necessary by the Commissioners;

(7) that an annual fee shall be imposed in respect thereof as provided by the last preceding section.

7. The Commissioners shall appoint a sufficient number of officers for the inspection of warehouses within Calcutta, the Suburbs, and the Municipality of Howrah respectively; and any officer so appointed, and any Superintendent or Inspector or Sub-inspector of Police, may enter at any time into any warehouse and may inspect the same.

Inspection of warehouses.

8. On a change in the occupation of any warehouse, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Commissioners of such change of occupation, and shall thereupon pay to the Commissioners a fee of two rupees; and his name shall accordingly be substituted in such license for the name of the last occupier.

On change in occupation of warehouse, occupier to give notice.

If any warehouse is let out in portions, the person so letting it out and entitled to the rent shall, for the purposes of this Act, be deemed to be the occupier.

9. It shall be in the discretion of the Commissioners at a special meeting to cancel or to suspend for such time as they shall think fit the license of any warehouse in respect of which any one or more of the conditions under which such license is held shall appear to them to have been broken, or in respect of which the provisions of the last preceding section have been broken.

Cancelment or suspension of license.

PART II.

Penalties.

10. Any person who without a license uses any warehouse for keeping or depositing jute or cotton shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such warehouse as aforesaid.

Penalty for not taking out license.

11. Any person who without a license uses for keeping or depositing jute or cotton any warehouse established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such warehouse is used for keeping or depositing jute or cotton without a license.

Penalty for establishing warehouse without license.

12. Any person who uses a warehouse for the keeping or depositing of jute or cotton after the Commissioners shall have refused or cancelled a license in respect thereof, or during the time for which such license shall

Penalty for using warehouse after refusal of license.

have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty on occupier in case of breach of conditions of license.

13. Whenever any of the conditions under which a license is held in respect of any warehouse have been broken in such warehouse, the person whose name appears on the license as the occupier of such warehouse shall be liable, on conviction before a Magistrate, to have his license cancelled, or to a fine not exceeding five hundred rupees.

Penalty on any person in case of breach of conditions of license.

14. Any person who breaks any of the conditions under which a license is held in respect of any warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

Penalty for omitting to give notice on change in occupation.

15. If on a change in the occupation of any warehouse, the person entering into occupation fail to give the notice required by section eight of this Act, such person shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

PART III.

Application of Funds.

Funds how to be applied.

16. The license fees and penalties received and levied under Parts I and II of this Act shall be applied in the manner following, that is to say—

Twenty per cent. to cost of inspection.

The Commissioners shall apply twenty per centum of such fees and penalties received and levied within their respective jurisdictions to the payment of the inspecting officers entertained under section seven of this Act, and to the payment of all expenses incurred by such Commissioners respectively in or about the inspection and superintendence of warehouses, and the granting of licenses in respect thereof.

Any balance of such twenty per centum which may remain after payment of such expenses shall be credited to the Municipal Fund of Calcutta, or of the Suburbs, or of Howrah, as the case may be, and any excess expenditure shall be defrayed by the Commissioners from the Municipal Fund.

Eighty per cent. to cost of fire-brigade.

17. The remaining eighty per centum of such fees and penalties shall be paid by the Commissioners to the Commissioner of Police for the Town of Calcutta, and shall be applied by him to the maintenance of the fire-brigade as hereinafter provided.

Budget of fire-brigade to be prepared.

18. The Commissioner of Police shall prepare annually, in or before the month of February, a budget or estimate of the receipts and expenditure of the fire-brigade for the year commencing on the first of April next ensuing.

Such budget shall be laid before the Commissioners at a meeting, and shall be forwarded by them to the Local Government with such remarks as they shall think fit to record; and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

If such budget, as finally passed by the Local Government, shall show a surplus of receipts over expenditure, it shall be in the discretion of the Local Government, subject to the provisions of section 5, to reduce the scale of fees to be paid in respect of warehouses: and, if it shall show a deficit, similarly to increase such scale.

PART IV.

Fire-brigade.

Maintenance of fire-brigade.

19. The Commissioner of Police for the Town of Calcutta shall maintain an efficient fire-brigade for the town and suburbs of Calcutta and for the Municipality of Howrah.

Local Government may make orders.

20. The Local Government may from time to time make, and, when made, alter or repeal such general or special orders as it may think fit—

For appointing or removing any member or officer of the force.

For furnishing the fire-brigade with such fire-engines, fire-escapes, horses, oxen, accoutrements, tools, and implements as it may think proper.

For building, providing or hiring places for the keeping of the force, engines, horses, and appurtenances.

For giving gratuities to persons who have given notice of fires.

For the training, discipline, good conduct, salaries, and pensions of the members of the force.

For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

For sending the force, engines, and appurtenances beyond the limits of the area to which this Act extends in order to extinguish fire in the neighbourhood of the said limits.

For imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these orders.

Generally, for the maintenance of the fire-brigade in a due state of efficiency.

Such orders shall be published in the *Calcutta Gazette*, and shall take effect from such publication.

Powers of fire-brigade in cases of fire.

21. On the occasion of a fire, the Commissioner or Deputy Commissioner of Police, or the chief or other officer in charge of the fire-brigade on the spot may—

(*a*) remove, or may order any member of the brigade to remove, any persons who by their presence interfere with the due operations of the brigade;

(*b*) by himself or by his men break into or through, or pull down any premises for the purpose of putting an end to the fire, doing as little damage as possible;

(*c*) cause the mains and pipes of any district to be shut off, so as to give greater pressure of water in the place where the fire has occurred;

(*d*) call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank;

(*e*) and, generally, take such measures as may appear necessary for the preservation of life and property.

The Commissioner or Deputy Commissioner of Police or chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers to render assistance.

Police officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Damage done to be deemed damage by fire.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

No officer of the police or of the fire-brigade shall be held liable to damages on account of any act done by him in the *bonâ fide* belief that such act was required in the proper execution of his duties.

Enquiry into origin of fire.

22. In the case of any fire occurring in Calcutta or the Suburbs or in the Municipality of Howrah the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire, and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

Licenses and Penalties in respect of fire-works, &c.

Penalty for letting off rockets and selling fire-works without license.

23. Within the town and suburbs of Calcutta whoever shall let off rockets or send up fire-balloons without a license from the Commissioner of Police, and whoever shall sell fire-works without a license from the Commissioner of Police, for which a yearly fee not exceeding ten rupees shall be payable, shall be liable on conviction before a Magistrate to penalty not exceeding fifty rupees for every such offence.

Powers to withdraw license.

24. The Commissioner of Police may at his discretion withdraw or suspend any license granted by him under the last preceding section:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

Exercise of powers in Howrah.

25. The powers conferred on the Commissioner of Police in respect of Calcutta and the Suburbs, by the two last preceding sections, shall be exercised in the Municipality of Howrah by the Magistrate of the district, or the officer in charge of the current duties of the Magistrate's office.

Liability of householders.

26. In the event of any rockets being let off or fire-balloons sent up within the precincts of any private premises or compound without the express permission in writing of the Commissioner of Police, or the Magistrate or officer as aforesaid, as the case may be, the occupier or owner, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

Miscellaneous.

Appropriation of existing balance.

27. Any sum standing at the credit of the Jute-warehouse fund of the Town of Calcutta or of the Suburbs at the time when this Act comes into force may be appropriated in such proportions as the Local Government may direct either as a grant to the Municipal Fund of Calcutta or of the Suburbs for general purposes, or to the purchase of new engines, plant or equipment for the fire-brigade referred to in section nineteen of this Act.

Fire-brigade receipts.

28. The funds available for the maintenance of the fire-brigade shall be:

(1) The eighty per centum payable under section seventeen:

(2) The proceeds of all license, fees and penalties levied under Part IV:

(3) Any other funds which the Local Government may grant or appropriate for this purpose.

Local Government may declare the warehousing of any other fibre to be subject to Act.

29. The Local Government may, on the recommendation of the Commissioners passed by resolution, declare that any other fibre which is stored or deposited in warehouses besides jute or cotton, shall be warehoused and kept subject to the provisions of this Act.

When such declaration shall have been made in the *Calcutta Gazette* this Act shall be read as if the name or names of the said fibre had been printed in addition to the words "jute" or "cotton" in the several sections of this Act wherein the said words "jute" or "cotton" may occur.

Submission of reports.

30. The Commissioners of the several jurisdictions to which this Act extends shall report to the Local Government once a year, at such time as the Local Government shall direct, shewing how the provisions of this Act have been carried out, and specifying the warehouses in respect of which licenses have been granted.

The Commissioner of Police for the town of Calcutta shall make a similar report, shewing the working of the fire-brigade during the year, the receipts and expenditure in respect thereof, and the proceedings taken by him under sections twenty-three and twenty-four of this Act.

Such reports shall be forthwith published in the *Calcutta Gazette*.

Power to arrest.

31. Any person committing any offence in respect of which a penalty is provided by section fourteen or section twenty-three of this Act may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before some Magistrate having jurisdiction

in the place in which such offence has been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizance with or without sureties for his appearance before a Magistrate.

Offenders to be brought to trial.

32. Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

Form of license.

33. Every license granted under Part I of this Act shall, as far as possible, be in the form to the schedule to this Act annexed.

Saving of places of manufacture or retail trade.

34. Nothing in this Act shall be deemed to apply to buildings or places wherein small quantities of jute, cotton or other fibre for the time being subject to the operation of this Act are deposited for the purpose of any manufacture or retail trade. The Local Government may from time to time declare, by notification in the *Calcutta Gazette*, what quantities of jute, cotton or other fibre as aforesaid, shall be deemed to be small quantities within the meaning of this section.

SCHEDULE.

(*See section* 33.)

License under Bengal Act of 1883.

No. of 188 .

The Corporation of the Town of Calcutta (*or the Municipal Commissioners of the Suburbs of Calcutta or of Howrah, as the case may be*) hereby grant unto this license under Bengal Act of 1883, to store and press jute, (*or cotton or other substance, as the case may be*) in premises No. , Calcutta (*or the Suburbs of Calcutta or Howrah, as the case may be*) subject to the conditions noted on the back: and they hereby acknowledge to have received the sum of Rs. , being the license fee due by the said from to 188 in respect of the aforesaid premises, at the rate of Rs. per annum.

Name of owner

Name of occupier

Secretary to the Corporation

(or to the Municipal Commissioners).

The day of

C. H. REILY,

Offg. Asst. Secy. to the Govt. of Bengal,

Legislative Department.

The following Bill was read in the Council of the Lieutenant-Governor of Bengal, for the purpose of making Laws and Regulations on the 24th February 1883:—

A Bill to extend the System of Local Self-Government in Bengal.

Preamble.

WHEREAS it is expedient to extend the system of local self-government within the territories subject to the Government of the Lieutenant-Governor of Bengal; It is enacted as follows:—

Preliminary.

Title.

1. This Act may be called the "Bengal Local Self-Government Act of 1883."

Extent.

It shall extend to all the territories subject to the Lieutenant-Governor of Bengal which are not included within the limits of the town of Calcutta, or within the districts of Singbhoom, the Sonthal Pergunnahs, Chittagong Hill Tracts, or any place or town to which the provisions of the Bengal Municipal Act of shall have been, or may hereafter be, extended:

Commencement.

And it shall come into force in any other district or part of a district on such date as the Lieutenant-Governor may, by notification in the *Calcutta Gazette*, direct.

But any notification, order or rule, and any appointment to an office, may be made, or election held, under this Act at any time after it shall have received the assent of the Governor-General, but shall not take effect in any district, or part of a district, until this Act comes into force therein.

Enactment repealed and amended.

2. On the commencement of this Act in any district or part of a district, the enactment specified in the first schedule shall, as regards such district or part of a district, be repealed to the extent mentioned in the third column thereof; and the enactment specified in the second schedule shall be amended to the extent mentioned in the third column thereof.

But this repeal shall not revive any office, authority or thing abolished by such enactment, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued before the commencement of this Act.

And no appointment to an office, made under the Bengal Act IX of 1880, shall continue to be valid in any district, or part of a district after this Act shall have come into force in such district, or part of a district.

Act not to be extended to cantonments without consent of Governor-General.

3. Notwithstanding anything in section one this Act shall not take effect in any cantonment without the consent of the Governor-General in Council previously obtained.

Interpretation.

4. In this Act, unless there be something repugnant in the subject or context:

"Local Government Circle" and "Local Board."

(1) "Local Government Circle" means any area subject to the jurisdiction of a Local Board constituted under the provisions of Part I, Chapter II of this Act, and "Local Board" means any Board so constituted.

"Central Board."

(2) "Central Board" means the Board constituted under the provisions of Part I, Chapter III of this Act.

"Local Authority."

(3) "Local Authority" means any Local Board, Joint Local Board, Union Committee or Joint Union Committee, constituted under this Act, or the Commissioners of any Municipality constituted under the Bengal Municipal Act of

"Magistrate of the District."

(4) "Magistrate of the District" includes any Magistrate subordinate to the Magistrate of the district, to whom he may delegate all or any of his powers under this Act.

PART I.

Authorities for execution of Act.

CHAPTER I.

Union Committees.

Formation of Unions.

5. The Central Board may, for the purposes of local self-government in each district, by order in writing, constitute any village or group of villages into a Union:

Provided that, unless the Central Board shall otherwise specially direct, the area included in any Union shall in no case contain less than five hundred houses, and no inhabited house within any Union shall be more than four miles distant from any other inhabited house within the same Union.

It shall be lawful for the Central Board, by order in writing, from time to time, to vary or annul any order made under this section.

Union Committees.

6. There shall be established for each Union a body to be called the Union Committee, consisting of such number of members, not being less than five or more than nine, as may be specified in the order constituting such Union.

Qualification of electors of Union Committees.

7. Save as is hereinafter provided, the members of the Union Committee of each Union shall be elected by male persons resident within the local limits of such Union, who have attained the full age of twenty-one years, have not been convicted of any non-bailable offence, and are subject to no legal incapacity, and who are qualified in one of the manners following, that is to say:—

(1) Are graduates or licentiates of any University, or hold certificates as pleaders or mooktears.

(2) Are possessed of a clear annual income from any source of not less than sixty rupees.

(3) Have paid during the year immediately preceding the date of the election, any Chowkeedaree Tax under the provisions of the Bengal Acts, VI of 1870 and I of 1871, or any License Tax, or any Road Cess or Public Works Cess.

All elections under this section shall be held at such times and places as the Central Board may appoint, and be governed by such rules, as the Central Board may from time to time issue.

Qualification of members of Union Committees.

8. Every person who shall be qualified under the provisions of the last preceding section to vote at the election of members of a Union Committee shall be deemed to be qualified for election as a member of such Committee.

Appointment on failure to elect.

9. If the electors of any Union shall fail to elect the full number of members allotted to the Committee of such Union, the Central Board shall call upon the Local Board, or if no Local Board has been appointed, upon the Magistrate of the District, to nominate one or more members to complete the number so allotted as aforesaid, and the Central Board shall accept such nomination or nominations, and appoint the person or persons so nominated to be member or members of such Committee.

Appointment in substitution of election.

10. Notwithstanding anything in this Act contained, it shall be lawful for the Central Board to direct, by order in writing, for special reasons to be stated in such order, that any Union Committee shall consist, either wholly or in part, of members nominated by the Magistrate of the district in which such Union is situated. The Magistrate shall thereupon nominate one or more persons as by such order directed, and the Central Board shall appoint such person or persons to be member or members of such Union Committee.

All persons who may be appointed under this or the last preceding section must be qualified as provided in section eight, and shall have the same powers and duties, and shall be subject to the same liabilities, as are by this Act granted to or imposed upon members elected under section seven.

Tenure of office.

11. The members of a Union Committee shall be elected or appointed (as the case may be) for a term of two years, and at the expiration of such term shall cease to be members of such Committee, but shall be eligible for re-election or re-appointment:

Provided that the said term of two years shall be held to include any period which may elapse between the expiration of the said two years and the date of the next subsequent election or appointment, not being an election or appointment under the next succeeding section.

Successors how appointed.

12. In the case of the death or resignation of a member of any Union Committee, his successor shall be forthwith appointed or elected in the manner hereinbefore provided, and such successor shall remain a member of the said Committee for the residue only of the term for which the member who has died or resigned was originally appointed or elected:

Provided that no act of the Committee or its officers, or of the Committee in meeting, shall be deemed to be invalid by reason only that the number of the Committee did not, at the date of the performance of such act, amount to the number specified in the order creating such Union.

CHAPTER II.
Local Boards.

Local Government Circles.

13. For the purposes of this Act, the Central Board shall, by a notification to be published in the *Calcutta Gazette*, aggregate the several thanas of each district to which this Act shall have been extended in one or more Circles, to be denominated Local Government Circles.

The Central Board may, from time to time, by notification to be published as aforesaid, vary or annul any order made under this section.

Local Boards.

14. There shall be established for each Local Government Circle constituted under the last preceding section, a body to be called the Local Board. Each Local Board shall be a body corporate, designated by such name as it may with the sanction of the Central Board adopt, and shall have a common seal and perpetual succession, with power to sue and be sued in such name.

Number of members of Local Boards.

15. The Local Board of each Local Government Circle shall consist of representative members, to be elected or appointed, as hereinafter provided, in the proportion of three members for each thana within the local limits of such Circle. But the Central Board may direct that the number of representative members of any particular thana shall be greater or less than three.

Lieutenant-Governor to determine proportion of members to be elected and nominated.

16. The Lieutenant-Governor shall determine what proportion (if any) of the representative members allotted to each thana as aforesaid shall be elected in the manner hereinafter provided, and what proportion shall be appointed by the Central Board: Provided that:

(1) If one-half of the entire area of any thana is under the jurisdiction of Union Committees constituted under the provisions of Part I, Chapter I of this Act, not less than two of the members for such thana shall be elected, and the remainder (if any) shall be appointed by the Central Board.

(2) One-third of the whole number of members of each Local Board shall be appointed by the Central Board.

(3) The number of persons holding salaried offices under the Government, and appointed to the Local Board, shall not bear a larger proportion than one-fourth to the total number of members of the Local Board appointed and elected under the provisions of this chapter.

(4) In cases where the whole number of members of the Local Board is not evenly divisible by three or by four, the one-third or one-fourth shall be ascertained by taking the number next below the whole number, which is evenly divisible by three or by four, as the number to be divided.

(5) Every appointment by the Central Board under this section shall be made immediately after the result of the election hereinafter mentioned shall have been notified to the Central Board and shall be subject to confirmation by the Lieutenant-Governor, and such appointment, after being confirmed, shall take effect from the date on which such election takes place.

Qualification of electors.

17. Such and so many of the representative members of each thana as are not appoiated under the provisions of the last preceding section shall be elected by male persons who have attained the full age of twenty-one years, have not been convicted of any non-bailable offence, and are subject to no legal incapacity, and who are qualified in one of the manners following, that is to say :—

(1) Are members of any Union Committee within the local limits of such thana.

(2) Are graduates or licentiates of any University; or

hold certificates as pleaders or mookhtars; or

hold any office or employment carrying a salary of not less than fifty rupees per mensem;

and are entitled to vote for the election of members of any Union Committee under the provisions of section seven of this Act, or are members of a joint undivided Hindu famliy, one of the members of which is so entitled:

Provided that no person who may be otherwise qualified under clause (2) of this section shall be deemed to be qualified to vote at the election of members of a Local Government Board, unless he shall have his fixed place of abode within the Local Government Circle of such Local Board, or in a town which has been constituted a Municipality under the provisions of the Bengal Municipal Act of , and which is situate not more than one mile from the boundary of such Local Government Circle.

Qualification of candidates.

18. All male persons who are of the full age of twenty-one years, have not been convicted of a non-bailable offence, and are subject to no legal incapacity, shall be deemed eligible for election as members of the Local Board, provided they are qualified in one of the manners following, that is to say :—

(1) Are qualified to vote for the election of members of such Local Board under the provisions of the last preceding section.

(2) Have, during the year immediately preceding such election, paid in respect of land situate either wholly or in part within such Local Government Circle a sum of not less than one hundred rupees on account of Road Cess or Public Works Cess under this Act or the Bengal Cess Act of 1880, as amended by this Act.

(3) Have paid, during the year immediately preceding such election, a sum of not less than fifty rupees under any License Act for the time being in force.

(4) Are possessed of a clear annual income from any source of not less than two thousand rupees.

Provided that no person shall be deemed to be qualified for election as a member of a Local Board, unless he is, at the time of his election, and so long as he continues in office by virtue of such election, resident in the Local Government Circle in which such Board has jurisdiction or within five miles thereof.

Central Board to make rules for elections.

19. It shall be lawful for the Central Board, with the consent of the Lieutenant-Governor, to make rules consistent with the provisions of this Act for the registration of voters and the conduct of elections under this chapter; and, from time to time, with the like consent, to vary such rules.

Term of membership.

20. Every member of the Local Board may hold office for three years from the date of his appointment or election, and the Lieutenant-Governor may, at any time before the expiration of such term of three years, accept the resignation of such member.

Removal of member.

21. The Lieutenant-Governor may remove any member appointed or elected under this Act, if such member shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct.

Provision as to member neglecting to attend meetings, &c.

22. Any member who, without having obtained permission from the Local Board, shall have omitted to attend six consecutive meetings of the Local Board,

and any member who shall have been sentenced to imprisonment,

and any member who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Local Board,

shall cease to be a member of the Local Board.

CHAPTER III.

The Central Board.

Creation of Board.

23. A Board shall be established, to be called the Central Board, and all the powers and duties vested in or imposed upon the Central Board by this Act shall be exercised and performed by such Board in such manner and form, and subject to such conditions, liabilities, and incidents, as the Lieutenant-Governor shall, from time to time, determine.

Constitution of Central Board.

24. The Central Board shall consist of a President and so many members as the Lieutenant-Governor may direct. Such President and members shall be appointed by the Lieutenant-Governor, and shall hold office for a term of five years, and shall not be removable from office before the expiration of such term without the sanction of the Governor-General in Council.

The Central Board shall be deemed to be established from and after the date of the first appointment of a President under this Act.

25. The Central Board shall be a body corporate, and shall have an official seal and perpetual succession, and may sue and be sued by its corporate name.

Incorporation of Central Board.

PART II.

Of the Local Funds.

GENERAL.

26. The Lieutenant-Governor may, in the order extending this Act to any district or part of a district, direct that all or any portion of the funds vested in any local bodies existing in such district or part of a district, shall vest in the local authorities constituted under this Act, immediately upon such local authorities being constituted.

Lieutenant-Governor may make order as to vesting in new local authorities of funds of existing local bodies.

CHAPTER I.

Of the Union Fund.

27. There shall be formed for each Union a fund to be called the "Union Fund," and there shall be placed to the credit thereof—

Constitution of Union Fund.

(1) All sums accruing within that Union under the Cattle Trespass Act, 1871.

(2) All sums assigned thereto by the Central Board or Local Board, whether as a contribution towards the cost of making village roads or otherwise.

(3) All other sums received by the Union Committee in the execution of this Act.

The Union Fund shall be vested in the Union Committee, and the balance standing to the credit of the Fund shall be kept in such custody as the Central Board may from time to time direct.

28. The Union Fund shall be applicable to the following objects, and in the following order:—

Application of Union Fund.

(1) To the payment of establishments entertained and expenses incurred by the Union Committee for the purposes of this Act.

(2) To the payment of the expenses incurred by the Union Committee in respect of the duties imposed upon such Committee under Part III of this Act, and of any expenses that may be incurred through the default of the Union Committee in carrying out any of such duties.

29. Account books of the Union Fund shall be kept by an officer to be appointed by the Union Committee.

Accounts of Union Fund.

An account shewing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any person entitled to vote at the election of members of the Union Committee.

A similar account shall be prepared for each year as soon as possible after its close, and shall be open to inspection as aforesaid.

Copies of the yearly and quarterly accounts shall be submitted to the Local Board to which such Union Committee is subordinate.

CHAPTER II.

Of the Circle Fund.

30. There shall be formed for each Local Government Circle a fund to be called the "Circle Fund," and there shall be placed to the credit thereof—

Constitution of Circle Fund.

(1) Such proportion as the Central Board may direct of the District Road Fund of the district, after payment of the expenses mentioned in section one hundred and nine of the Bengal Act, IX of 1880, as amended by this Act.

(2) All sums levied within the Circle as fines, penalties, or otherwise, under the provisions of this Act.

(3) All sums accruing within the Circle under the provisions of the Cattle Trespass Act, 1871, from pounds which have not been vested in any Union Committee under section forty-two of this Act.

(4) The proceeds of public ferries within or on the boundary of the Circle which have been placed under the charge of the Local Board under the provisions of Part IV, Chapter I of this Act.

(5) All receipts in respect of any schools, hospitals, dispensaries, railways, tramways or other buildings, institutions, or works, which may have been constructed by, or have become vested in, the Local Board under Part IV of this Act.

(6) Any sums which may from time to time be allotted to the Local Board from the provincial revenues by the Lieutenant-Governor for any of the purposes mentioned in Part IV of this Act, or for any other purpose.

(7) All other sums contributed to the Local Board by the Government, local bodies or private persons.

The Circle Fund shall be vested in the Local Board, and the balance standing to the credit of the Fund shall be kept in such custody as the Central Board may from time to time direct.

31. The Circle Fund shall be applicable to the following objects, and in the following order:—

Application of Circle Fund.

Firstly.—To the payment of such percentage as the Lieutenant-Governor may direct towards the cost of the Central Board and its establishments, towards the cost of audit, and towards the cost of establishments in any office of account or in any treasury:

Provided that the total amount which any Local Board may be required to pay on this account shall not in any year exceed two per centum on the amount of the Circle Fund for such year.

Secondly.—To the payment of establishments entertained and expenses incurred by the Local Board for the purposes of this Act, and to the payment to Government of such percentage as the Central Board may from time to time direct on the salaries of such establishments, in consideration of the Government undertaking to pay the leave and pension allowances of such establishments:

Thirdly.—To the payment of any sums which the Local Board may have undertaken to pay as interest upon loans raised by it for the purposes of this Act, and to the formation of a sinking fund where required.

Fourthly.—To the payment of expenses incurred by the Local Board in the performance of the duties imposed by this Act, and in the construction and maintenance of any works which may become vested in such Board under the provisions of this Act, and to the payment of any expenses that may be incurred through the default of the Local Board in carrying out any of the duties imposed upon it by this Act.

Fifthly.—To the payment of expenses incurred by the Local Board under the provisions of section one hundred and eighteen of this Act.

Sixthly.—To the payment, at such rates as the Central Board may direct, of the travelling expenses of members of the Local Board delegated to attend the annual conference of Local Boards under the provisions of section seventy-four, and of the travelling expenses of members of the Local Board attending a joint Board when the office of such joint Board is in any other Local Government Circle.

Seventhly.—To investment in any local debenture loans issued by the Government of India, or by the Lieutenant-Governor, for the construction of public works which may directly improve the means of communication within the Local Government Circle, or between such Circle and adjacent Circles.

Provided—

(1)—That no sum shall be expended from the Circle Fund in the construction of any channel for the purposes of irrigation,

or for the purposes of drainage connected with any irrigation works in charge of public officers,

or for the improvement or maintenance of any water-channel on which tolls are levied, when the proceeds of such tolls are not paid into the Circle Fund;

(2)—That no part of the Circle Fund of any district shall be applied to the construction or maintenance of any road within any first or second class municipality under the Bengal Municipal Act, 1876, unless such road shall have been expressly excluded from the operation of the said Act under section thirty-two thereof.

Accounts of Circle Fund.

32. Account books of the Circle Fund shall be kept by an officer to be appointed by the Local Board.

An account shewing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any person entitled to vote at the election of members of the Local Board.

A similar account shall be prepared for each year as soon as possible after its close, and shall be open to the inspection as aforesaid.

Copies of the yearly and quarterly accounts shall be submitted to the Central Board.

Sub-Committee of Accounts.

33. Every Local Board shall appoint a Sub-Committee of Accounts, consisting of so many members as it thinks fit. It shall be the duty of such Sub-Committee to prepare estimates, under the provisions of section seventy-five, to keep such books of account as the Central Board may direct, and generally to superintend all matters connected with the finances and accounts of the Local Board.

The Sub-Committee shall, at all times, when required so to do, produce its books of account for audit by any officer who may be appointed by the Central Board in that behalf.

PART III.

Duties and Powers of Union Committees.

Union Committees to be subordinate to Local Boards.

34. The Union Committees shall be the agents of, and subject to the control of, the Local Boards of the Local Government Circle within which the Unions in respect of which they have been elected or appointed are respectively situated, and shall, within the areas respectively subject to their authority, have the control and administration of, and be responsible for, all matters specified in this Part, except such of those matters as the Local Board may think fit to take under its direct control and administration.

Union Committees to submit reports, estimates, and accounts to Local Board.

35. Every Union Committee shall submit annually to the Local Board of its Local Government Circle, on or before such date as the Local Board may appoint in this behalf, an estimate of the probable expenditure of the Committee for the coming financial year, and an account of its receipts and expenditure for the past financial year, and shall also submit to the Local Board such other reports (if any), as the Local Board may from time to time require.

Limits on expenditure of Union Committee.

36. The Union Committee shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the Local Board of its Local Government Circle.

Village roads vested in Union Committee.

37. All village roads within any Union, and the stones and other materials thereof, and also all erections, materials, implements, and other things provided for such roads, shall vest in and belong to the Union Committee.

Power to make and improve village roads.

38. The Union Committee, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may—

(*a*) lay out and make new village roads;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue or stop up any village road; and

(*d*) widen, open, enlarge or otherwise improve any such road.

Maintenance and repair of village roads.

39. The Union Committee shall, so far as the Union Fund permits, from time to time cause the village roads to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

Union Committee to send schedule of roads to Local Board.

40. Every Union Committee shall, within such time as the Local Board to which it is subordinate may direct, forward to such Local Board a schedule of all village roads within the Union. Such schedule shall state the length and width of the roads, the number, description, and dimensions of bridges, and such other particulars as the Local Board may require.

The Union Committee may, of its own motion, at any time revise the said schedule, or may be required the Local Board so to do.

Local Board may entrust portions of district roads to management of Union Committees.

41. It shall be lawful for the Local Board to delegate to any Union Committee within the Local Government Circle subordinate to such Local Board, the management of so much of any road as may be situate within the Union of such Union Committee; and such Union Committee shall thereupon do all things necessary for the maintenance and repair of the portion of road so assigned to it, and shall be responsible to the Local Board in that behalf.

Pounds.

42. It shall be lawful for every Union Committee to establish and maintain a pound within the Union under the provisions of the Cattle Trespass Act, 1871, and every Union Committee shall exercise, in respect of the establishment and management of such pound, the functions of the Magistrate of the District under sections 4, 5, 6, 12, 14, and 17 of the said Act. The Central Board shall exercise the functions of the Local Government under sections 4, 7, and 18 (*a*) of the said Act.

Primary schools.

43. Subject to such rules as may be laid down from time to time by the Lieutenant-Governor, the Union Committee shall be charged with, and be responsible for, the management, maintenance, and visiting of all primary schools within the Union, the appointment (subject to the provisions of section fifty-two) of the gurus of such schools, the payment of the salaries of such gurus, and the transmission to them of any rewards that may be granted by the Local Board.

Dispensaries.

44. The management, maintenance, and visiting of any dispensary within the Union may, with the consent of the Union Committee, and subject to such rules as the Lieutenant-Governor may from time to time lay down, be entrusted to the Union Committee.

Registration of vital statistics.

45. Every Union Committee shall provide for the registration of births and deaths within the Union.

Sanitation.

46. It shall be the duty of the Union Committee to provide, so far as may be possible, for the sanitation of the Union, and, in the case of fairs and melas, to make special arrangements for this purpose.

Drains, &c., under control of Union Committee.

47. All drains and other conservancy works within the Union, which are not under the control of any other authority, shall be under the control of the Union Committee.

Local Board may entrust works of sanitation, &c., to Union Committee.

48. It shall be lawful for the Local Board to entrust to any Union Committee subordinate to such Local Board the execution of any work of sanitation, drainage or water-supply affecting the area in which such Union Committee has jurisdiction, and the Union Committee shall thereupon carry out such work subject to the provision of Part IV, Chapter II of this Act.

Union Committee may cleanse public tanks.

49. Any Union Committee may cleanse or repair any public tank, stream or well, or public drain situate within the jurisdiction of such Union Committee, and charge the cost of such cleansing or repairing to the Union Fund, or, if such fund be not sufficient, may levy the same from persons resident within the Union in the manner provided for the levying of the Chowkeedaree Tax under the Bengal Acts, VI of 1870 and I of 1871, or other Act for the time being in force.

Powers as to private tanks, &c.

50. The Union Committee may require the owner of any tank, stream or well used for drinking purposes to cleanse or fill up the same; or may require the owner or occupier of any land which appears to be in a state injurious to health or offensive to the neighbourhood to clear or drain it, or take such other action with respect thereto as may be deemed necessary. If such owner or occupier makes default in carrying out the said order, the Union Committee may perform the work, and may recover the expense thereby incurred from such owner. Such expense shall be recoverable in the manner provided by any law for the time being in force for the recovery of public demands:

Provided that the Union Committee shall take no action under this section until after the expiry of thirty days from the date on which notice of the work required to be done shall have been served upon the owner of the tank, stream or well, or the owner or occupier of the land:

Provided further that when the cost of carrying out any order under this section shall be estimated as likely to exceed the sum of one hundred rupees, the Union Committee shall not issue such order without the previous consent of the Local Board.

Joint Union Committees.

51. Any Union Committee may, from time to time, with the consent of the Local Board to which it is subordinate, concur with any other Union Committee or Committees, in the same Local Government Circle, in appointing out of their respective bodies Joint Committees for any purpose in which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Union Committees, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

It shall be lawful for the Local Board to associate not more than two of its members with any joint Union Committee appointed under this section.

If any dispute arises between two or more Union Committees acting under this section, the decision thereon of the Local Board shall be final.

Appointment of officers.

52. The Union Committee may, from time to time, appoint all such subordinate officers and servants, as may be necessary to assist in carrying out this Act, and may, from time to time, remove any of such persons and appoint others in his place;

And may, with the sanction of the Local Board, fix the allowances of such persons, and pay out of the Union Fund such allowances to the said persons respectively, or in case of absence on leave, such portion thereof as it shall think reasonable.

The Local Board may, by order in writing, for reasons to be specified in such order, require any Union Committee subordinate to it, to dismiss

any of the persons appointed by such Union Committee under this section, and the Union Committee shall thereupon dismiss the person or persons mentioned in such order.

PART IV.

Of the Duties and Powers of Local Boards.

CHAPTER I.

General.

53. The provisions of the first and second Chapters of this Part shall be in force as regards every Local Board, unless and until the Central Board shall otherwise direct.

Operation of Chapters I and II.

No provision contained in Chapter III of this Part shall apply to any Local Board unless and until it has been expressly extended thereto by the Central Board by order published in the *Calcutta Gazette*.

Operation of Chapter III.

Election of Chairman and Vice-Chairman.

54. Every Local Board shall, at a meeting, elect its Chairman and Vice-Chairman. The election of the Chairman shall be subject to the approval of the Lieutenant-Governor.

Election of Chairman and Vice-Chairman.

55. The Chairman and Vice-Chairman elected under the last preceding section, if not already members of the Local Board of which they have been elected Chairman and Vice-Chairman respectively, shall, from the date of the confirmation of his election as regards the Chairman, and from the date of his election as regards the Vice-Chairman, during their respective terms of office, enjoy all the rights and privileges of members of such Board. They shall hold office until the expiration of the term for which such Board shall have been elected.

Status and tenure of office of Chairman and Vice-Chairman.

56. Every Chairman and Vice Chairman shall be eligible for re-election, and may at any time be removed from the office of Chairman or Vice-Chairman by a resolution of the Board, in favour of which not less than two-thirds of the whole number of members of the Board shall have given their votes in person.

Chairman and Vice-Chairman eligible for re election.

Every resolution removing a Chairman shall be subject to the approval of the Lieutenant-Governor.

57. If any Chairman or Vice-Chairman shall be unable to complete his full term of office, the vacancy caused by his resignation, or removal, or death, shall be filled by the election of another person, and the person so elected shall fill such vacancy for the unexpired remainder of the term for which such Chairman or Vice-Chairman would otherwise have continued in office.

Election of Chairman or Vice-Chairman for unexpired term of office.

58. Except as otherwise provided in this Act, the Chairman of every Local Board shall have power on behalf of the Local Board to do any acts or pass any orders which the Board might legally do or pass and may, with the sanction of the Board, delegate all or any of such powers to the Vice-Chairman:

Chairman to have powers of Board in certain cases.

Provided that it shall be lawful for the Central Board to direct that certain acts shall not be done, and certain orders shall not be passed, save by the Local Board in meeting assembled.

Their mode of transacting business.

59. The Local Board shall have an office at such place within the Local Government Circle in and for which it shall have been appointed, as may be directed by the Central Board, and shall meet for the transaction of business at least once in every month.

Local Board to have an office.

60. The business of the Local Board shall be conducted subject to such rules as may from time to time be framed by the Central Board.

Business to be conducted subject to rules framed by Central Board.

61. There shall be two kinds of meetings for the transaction of business, namely, special meetings and ordinary meetings.

Two kinds of meetings.

62. Meetings of the following descriptions shall be special meetings:—

What are special meetings.

(1) Any meeting convened by the Chairman under section sixty-four;

(2) For the election of a Chairman or Vice-Chairman under section fifty-four;

(3) For determining the salary of the Surveyor to the Local Board under section one hundred and twelve;

(4) For the election of a Surveyor to the Local Board under section one hundred and eleven;

(5) For determining the details of establishment, and the salaries to be attached to each office under section sixty-nine;

(6) For making rules for leave of absence under section seventy, and for pensions and gratuities under section seventy-one;

(7) For considering and passing the general statement under section seventy-five, or any revised or supplemental statement under sections seventy seven and seventy-eight;

(8) For preparing and framing an estimate of income and expenditure, section seventy-five;

(9) For amending any such estimate under section seventy-seven;

All other meetings shall be ordinary meetings.

63. The Chairman, or, in case of his absence at the time appointed for the meeting, the Vice-Chairman, shall preside at every meeting of the Local Board. In the absence of both the Chairman and Vice-Chairman, the members present may choose one of their number to be President of such meeting.

President at meetings.

64. The Chairman, or, in case of his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition

Meeting to be called on requisition.

made in writing and signed by not less than one-third of the members, convene a meeting.

Notice of meeting.

65. At least five days' notice in writing of every meeting shall be given to each member. Every notice shall state the business to be transacted at the meeting, and a copy of all papers connected with such business shall be supplied to each member with the notice of the meeting. No business other than that so stated shall be transacted at such meeting, except with the permission of the meeting.

Quorum.

66. (1) No business shall be transacted at any special meeting unless at least one-fourth of the total number of members forming the Local Board at the time of the meeting are present at the commencement and close of such business; and no business shall be transacted at an ordinary meeting unless at least three members are so present.

Delegation of powers to Sub-Committee.

(2) The Local Board may delegate any of its powers to Sub-Committees consisting of such member or members of its body as it thinks fit. Any Sub-Committee so formed shall, in the exercise of the powers delegated, conform to any regulations that may be imposed upon it by the Local Board.

Adjournment, voting, &c., of Local Board.

(3) The Local Board may hold meetings and adjourn as it thinks proper. Questions at any meeting shall be determined by a majority of votes of the members present, and in case of an equal division of votes, the Chairman shall have a second or casting vote.

Adjourned meeting.

67. If at the time appointed for a special meeting, or within one hour thereafter, a quorum is not present, the meeting shall stand adjourned till some future day to be appointed by the Chairman or Vice-Chairman of the Local Board, and five days' notice of such adjourned meeting shall be given. The members present at such adjourned meeting shall form a quorum, whatever their number may be.

Minute-book to be kept.

68. The minutes of the proceedings of every meeting shall be recorded in the English language in a book to be kept for that purpose in the office of the Local Board, and any person resident in, or owning or holding land in, the Local Government Circle, may at all reasonable times inspect and examine such book without payment of any fee, and may obtain a certified copy of any extract therefrom on payment of such fees as the Local Board may direct.

A copy of the minutes of every meeting shall be sent to the officer in charge of the sub-division in which the Local Government Circle is situate, or if the Local Government Circle extends beyond the limits of one sub-division, to the Magistrate of the District. If the Local Government Circle is situate wholly or in part in the sudder sub-division, such copy shall be sent to the Magistrate of the District.

At the request of any member of the Local Board who is not acquainted with the English language, the Chairman shall cause to be delivered to such member an abstract of the minutes of any meeting in the vernacular of the district.

Establishments.

Establishments and salaries how to be fixed.

69. The Local Board, subject to the provisions hereinafter contained, may determine and from time to time alter the details of the establishment of officers, clerks, and servants to be employed by it or by any Joint Local Board as hereinafter appointed, and the salary to be paid to each such officer, clerk or servant; provided

(1) that no appointment carrying a monthly salary of not less than one hundred rupees shall be created or abolished without the consent of the Central Board, and that every nomination to such an appointment shall be subject to confirmation by the Central Board;

(2) that the aggregate salaries and allowances in any one year of the establishment employed by any Local Board for the purpose of Chapter II of this Part, together with a proportionate share of the cost of the general establishment of such Board, shall not exceed twenty-five per centum on the total amount available for expenditure by such Board upon public works during the year;

(3) that every Local Board shall be required to conform to such general rules regarding the qualifications to be required of candidates for employment as may from time to time be laid down by the Central Board.

Leave of absence to officers.

70. The Local Board shall, subject to the provisions of the last preceding section, make such rules as to leave of absence and absentee allowances as it from time to time may think fit for its own officers and servants.

Pensions, gratuities, &c.

71. The Local Board may, with the approval of the Central Board, make rules for pensions and gratuities to be granted and paid out of the Circle Fund to its officers and servants, and may from time to time, with the like approval, repeal, alter, or add to such rules:

Provided that no officer shall be entitled to any pension or gratuity under this Act from the Circle Fund of any Local Government Circle in respect of any period during which he was not serving under the Local Board of such Local Government Circle:

Provided also that no officer lent by Government, and contributing from his salary to any pension fund, shall be entitled to claim any pension from the Circle Fund.

Their functions.

Mode of executing contracts.

72. The Local Board may, through its Chairman or Vice-Chairman, enter into and execute any contract necessary for the purposes of this Act:

Provided that every contract made on behalf of the Local Board in respect of any sum exceeding five hundred rupees, or involving a value exceeding five hundred rupees, shall be sanctioned by the Local Board at a meeting, and shall be in writing, and signed by at least two of the members of the Local Board, one of whom shall be the Chairman or Vice-Chairman.

Unless so executed, such contract shall not be binding on the Local Board.

73. No member, officer or servant of the Local Board shall be in any wise pecuniarily interested in any contract or work made with, or executed for, the Local Board; and if any such member, officer or servant be so interested, he shall be incapable of afterwards continuing to be a member of the Local Board, or of holding or continuing in any office or employment under the Local Board, and shall be liable to a fine of five hundred rupees:

Penalty on members and officers being pecuniarily interested in contracts.

Provided that nothing in this section shall apply to any person by reason only of his being a shareholder in any registered or incorporated company which may enter into any contract with the Local Board, or execute any work for the Local Board, if such person shall, at or before the time of any such contract being made or tendered for, declare to the Local Board the extent of his interest in such Company, and, if he be an officer or servant of the Local Board, obtain the sanction of the Local Board to his continuing to be such officer or servant.

Exception.

74. In every district, in which two or more Local Boards shall have been formed, there shall be held annually, at such time and place as the Central Board may appoint, a conference of all the Local Boards of the district, and every Local Board in the district shall delegate so many of its members as it deems fit, not being more than one for each thana within its Circle, to represent it at the annual conference.

Conference of Local Boards to fix rate of road cess annually.

Such delegates in conference assembled shall fix the rate at which the road cess shall be levied in the district during the ensuing year, and may, subject to the sanction of the Central Board as provided in section one hundred and forty-four, clause (6), appoint Joint Boards for the performance of any work which may affect two or more Circles within the district.

In every district in which there shall be only one Local Board, such Board shall hold a meeting annually, on a date to be fixed by the Central Board, for the purpose of fixing the rate at which the road cess shall be levied in the district during the ensuing year.

75. Every Local Board shall submit annually to the Central Board, on or before such date as the Central Board may appoint in this behalf, a statement of the requirements and an estimate of the probable expenditure of the Local Board for the coming financial year, and a report of its proceedings and an account of its receipts and expenditure, for the past financial year, and shall also submit to the Central Board such other reports as the Central Board may from time to time require.

Estimates, reports, and statements to be submitted to Central Board.

All such statements, estimates, and reports shall be prepared in English in such form as the Central Board shall direct. Copies of such statements and estimates shall be forwarded to the officer in charge of the Sub-Division in which the Local Government Circle is situate, or, if the Local Government Circle extends beyond the limits of one Sub-Division, to the Magistrate of the District. If the Local Government Circle is situate, wholly or in part, in the Sudder Sub-Division, such copies shall be sent to the Magistrate of the District.

76. Every estimate framed under the last preceding section shall be subject to the approval of the Central Board, and the Central Board may revise or modify such estimate, subject to the provisions of sections seventy-seven and seventy-eight.

Estimates subject to approval of Central Board.

77. If such estimate shall have been approved by any number, being less than two-thirds of the members of the Local Board present at the meeting at which such estimate was adopted, the Central Board may, before approving such estimate, make such alterations as it shall think fit in the details or total of such estimate, or may return such estimate to the Local Board with instructions to make any such alterations in such details or total:

Central Board may under certain circumstances alter estimate.

Provided that the Central Board shall not make, and shall not require the Local Board to make, otherwise than with its own consent, any such alterations as shall have the effect of raising the total of such estimate above the total of the sum estimated to be at the disposal of the Local Board for expenditure during the year in question, the cess being levied at the rate which may have been determined for such year by the annual conference of Local Boards of the district, or, if there be only one Local Board in the district, by such Local Board under section seventy-four.

On receipt of such instructions the Local Board shall proceed to make such alterations, and shall resubmit the estimate to the Central Board, who shall thereupon approve the estimate framed by the Local Board.

78. (1) If any estimate prepared under section seventy-five shall have been approved by a number not being less than two-thirds of the members of the Local Board present at the meeting at which such estimate was adopted, the Central Board may, before approving such estimate, make a communication to the Local Board, bringing to its notice any alterations which appear to it to be desirable to make in the details or total of such estimate;

Procedure where estimate has been approved by not less than two-thirds of Local Board.

and on receipt of such communication, the Local Board shall proceed to reconsider such suggestions, and may either

(*a*) adopt such suggestions or any of them and revise its estimate accordingly, and submit such revised estimate for the sanction of the Central Board; or

(*b*) may adhere to its original estimate, and resubmit it to the Central Board with its reasons for adhering to the same.

(2) On receipt of such estimate so resubmitted the Central Board may sanction the estimate, or may make such alteration in the details of the estimate as it may think fit:

Provided that the Central Board shall in no case raise the total of such estimate above the total of the sum estimated to be at the disposal of the Local Board.

79. When the estimate prepared by the Local Board shall have been approved by the Central Board under sections seventy-seven and seventy-eight the rate determined

Rate determined to be reported to Lieutenant-Governor.

by the annual conference of Local Boards, or by the Local Board if there be only one such Board in the district, shall be reported by the Central Board to the Lieutenant-Governor, who shall cause the same to be published in the *Calcutta Gazette*.

Estimates may be amended.

80. Any estimate prepared under section seventy-five and approved as hereinbefore provided may be amended or revised at any time with the sanction of the authority which originally approved such estimate, provided that the total of the estimate of expenditure as amended shall not exceed the total of the sums estimated to be available for expenditure during the year.

Books and records to be open for inspection of District Officers.

81. Every Local Board, and every Sub-Committee of Accounts of such Board, shall at all times permit the Commissioner, District Magistrate, and any Sub-Divisional Officer having jurisdiction within the Local Government Circle, to have access to all its books, proceedings, and records.

Local Boards may raise loans.

82. It shall be lawful for the Local Board, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, to raise a loan for the purpose of carrying out any of the provisions of this Act, and, with the like sanction, to guarantee the payment of interest on such loan, and to form a sinking fund.

Pounds.

Local Board to manage pounds where no Union Committee exists.

83. Every Local Board may, in respect of such portions only of its Local Government Circle as are not under the jurisdiction of any Union Committee, establish and maintain pounds under the provisions of the Cattle Trespass Act, 1871.

Every such Board shall be vested with the powers of the Magistrate of the District under sections 4, 5, 6, 12, 14, and 17 of the said Act, and the Central Board shall exercise the functions of the Local Government under sections 4, 7, and 18(*a*) of the said Act.

Ferries.

Public ferries vested in Local Board.

84. All public ferries situate within the limits of any Local Government Circle shall forthwith become vested in the Local Board of such Local Government Circle.

Local Board may lease its ferries or manage them direct.

85. Subject to such rules as the Central Board, with the sanction of the Lieutenant-Governor, may make in this behalf, and subject to any law for governing public ferries for the time being in force in Bengal, every Local Board in which a public ferry shall become vested under the provisions of the last preceding section may either

retain such ferry under its own immediate management, or place it under the management of an Union Committee, and levy, or authorize such Union Committee to levy, such tolls on persons using the same, as the Central Board may from time to time approve;

or lease such ferry on farm, to such person or persons, for such period, and on such terms, as it thinks fit:

Provided that the lessee of any such public ferry shall not be entitled to charge on persons using the same any tolls in excess of such rates as may be approved by the Central Board.

Local Board to provide establishment, boats, &c., for working ferries.

86. Any Local Board in which a public ferry may become vested under section eighty-four shall (subject to the provisions of section sixty-nine) provide such establishment, boats, landing stages, and appliances, and shall do all things necessary to provide for the safety and convenience of travellers and the safety of property to be conveyed in such ferry, or may require the lessee of such ferry to provide and do the same.

When a public ferry shall have been placed under the management of any Union Committee under the provisions of the last preceding section, the Local Board may require such Union Committee to make such provision, and to do such things as aforesaid.

Cancellation of ferry lease, &c.

87. Every lease of a ferry given by a Local Board, as hereinbefore provided, shall be liable to be cancelled at once, if it shall appear to the Local Board, at a meeting, that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Local Board.

On the cancelment of a lease, the Local Board may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until it can make arrangements for such other boats and appliances as may be necessary, in which case the Local Board shall pay a fair price to the owners for the use of the said boats and appliances:

Provided that within a week of taking such possession the Local Board shall be bound to give notice to the said lessee of its intention to retain the said boats and appliances either permanently, or for a period to be specified in the notice.

Local Board may establish new or close old ferries.

88. The Local Board may, with the consent of the Central Board, establish a new ferry at any place within its Local Government Circle, and every such ferry, when established, shall become vested in the Local Board, and shall be subject to such of the provisions of this chapter as refer to ferries.

The Local Board may, with the like consent, close any existing ferry which has become vested in it under the provisions of section eighty-four, or may direct that such ferry shall be removed to such other place as it thinks fit.

Central Board may make rules as to public ferries.

89. It shall be lawful for the Central Board, with the consent of the Lieutenant-Governor, from time to time, to make rules consistent with the provisions of the five last preceding sections for the

guidance of Local Boards in which public ferries have become vested under section eighty-four, and for the apportionment of the profits of such ferries between any two or more local authorities, and such rules from time to time to alter, modify or revoke.

Act to be read with Regulation VI of 1819 and Act I (B.C.) of 1866.

90. The six last preceding sections, so far as is consistent with the tenor thereof, shall be read with, and shall form a portion of, Regulation VI of 1819 of the Bengal Code and the Bengal Act, I of 1866. Every Local Board shall, for the purposes of the said sections, have and exercise the functions of the Magistrate of the district under the said Regulation and Act.

Education.

Local Board to have management of schools.

91. Subject to the provisoes hereinafter contained, every Local Board shall be charged with, and be responsible for, the management, maintenance, and visiting of all schools within its Local Government Circle, the appointment (subject to the provisions of section sixty-nine) of all masters and assistant masters of such schools, and the payment of the salaries of such masters and assistant masters: Provided that—

Saving of powers of Union Committees.

(1) Nothing in this section shall be taken to affect the powers of any Union Committee in respect to primary schools within its Union. Such powers shall be exercised by the Union Committee, subject to the general control of the Local Board to which it is subordinate.

Saving of powers of Managing Committee of aided school.

(2) Notwithstanding anything in this Act contained, any Committee which has been, or may hereafter be, appointed to manage any school receiving a grant-in-aid from the Government, shall continue to exercise, in the management of such school, all the powers which may be vested in it by the Lieutenant-Governor.

Local Board to conform to Government rules.

(3) The Local Board shall conform to such rules as the Lieutenant-Governor may, from time to time, make in respect to the allotment of grants to primary and secondary schools, the appointment of teachers and sub-inspectors, the standards of education, the conduct of examinations, the award of scholarships, and all other matters connected with the administration of such schools.

Government may exclude any schools from management of Local Board.

92. Notwithstanding anything in the last preceding section contained, the Lieutenant-Governor may at any time declare that a particular school, or class of schools, shall be excluded from the management of the Local Board within whose Local Government Circle such school or class of schools is situated, and may make such other order regarding the management thereof as he thinks fit.

The Lieutenant-Governor may, from time to time, extend, modify or revoke any order made under this section.

High English Schools may be placed under Joint Committee.

93. It shall be lawful for the Central Board to declare that the management, maintenance, and visiting of any High English School situated within a town which has been constituted a municipality under the Bengal Municipal Act of shall be entrusted to a Joint Committee, consisting partly of members delegated by Commissioners of such municipality and partly of members delegated by such Local Boards as may be named in the order.

Every order issued under this section shall specify the number of members to be delegated, and the proportion of the cost of maintenance of the school to be provided, by each of the local authorities named therein.

Every Joint Committee appointed under this section shall have the same powers, and be subject to the same liabilities, as are by this chapter imposed on Local Boards.

If any dispute arise between two or more local authorities acting under this section, the decision thereon of the Central Board shall be final.

Medical.

Public dispensaries or hospitals may be vested in Local Board.

94. The Lieutenant-Governor may declare, by notification published in the *Calcutta Gazette*, that any public charitable dispensary or hospital, situated within a Local Government Circle, shall be vested in the Local Board of such Circle. Such dispensary or hospital shall thereupon become vested in the Local Board, and the Local Board shall be charged with the management and maintenance thereof.

The Lieutenant-Governor may at any time revoke any order made under this section.

Local Board may establish dispensaries, &c.

95. Any Local Board may provide for the use of the inhabitants of the Local Government Circle, dispensaries, hospitals or temporary places for the reception of the sick, and for that purpose may,

itself build such dispensaries, hospitals or places of reception; or

contract for the use of any such dispensary, hospital or place of reception, or of any part thereof; or

enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of the Local Government Circle, on payment of such annual or other sum as may be agreed on.

96. Two or more Local Boards may, with the consent of the Central Board, combine in providing a common dispensary, hospital or place of reception, and, with the like consent, fix the proportions of the cost thereof to be borne by them respectively.

Local Board may contribute to cost of hospital outside Circle.

97. A Local Board may, with the consent of the Central Board, contribute such annual or other sum as may be agreed on towards the cost of the maintenance of any dispensary or hospital situated outside the Circle, but which is habitually used by the inhabitants of the Circle.

98. Any expenses incurred by a Local Board in maintaining in a hospital, or in a temporary place for the reception of the sick, (whether or not belonging to the Local Government Circle), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the Local Board, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Recovery of cost of maintenance of patient in a hospital.

99. A Local Board may, with the sanction of the Central Board, provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of the Local Government Circle.

Power to provide temporary supply of medicine.

100. Every Local Board, in exercising the powers vested in it by the six last preceding sections, shall conform to such rules as the Lieutenant-Governor may from time to time make in that behalf.

Local Board to conform to Government rules.

101. Subject to such rules as may from time to time be made by the Lieutenant-Governor, it shall be lawful for the Central Board to make rules, consistent with the provisions of this Act, for the purposes of fixing the standard of professional qualification to be required of medical officers employed by Local Board, of regulating the duties of such medical officers, the inspection of dispensaries and hospitals, the forms of returns and reports to be made by the Local Board, and generally in respect to the duties imposed on Local Boards by sections ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, and ninety nine;

Power of Central Board to make rules.

And such rules, from time to time, to add to, modify or revoke.

All rules made under this section, and all additions thereto, or modifications or revocations thereof, shall be published in the *Calcutta Gazette*.

102. It shall be the duty of the Local Board to collate the statistics of births and deaths supplied by the Union Committees under section forty-five into such registers, and to submit such returns, as the Central Board may from time to time require, and generally to compel Union Committees to perform the duties imposed upon them by the said section.

Local Board to collate statistics supplied by Union Committees.

Joint Local Boards.

103. Notwithstanding anything in section seventy-four contained, a Local Board may from time to time, with the consent of the Central Board, concur with any other Local Board or Boards in appointing out of their respective bodies Joint Boards for any purpose in which they are jointly interested, and in delegating to any such Joint Boards any power which might be exercised by any or either of the Local Boards, and in framing and modifying regulations as to the proceedings of any such Joint Board.

Joint Local Boards may be constituted.

If any dispute arise between two or more Local Boards acting under this section, the decision thereon of the Central Board shall be final.

104. All Joint Local Boards constituted under the last preceding section shall be subject to the provisions of this chapter so far as the same are applicable.

Provisions of this chapter applicable to Joint Boards.

Bye-laws.

105. A Local Board may frame such bye-laws as it deems fit, not being inconsistent with this Act, and may by any bye-laws made by it, under this Act, impose on offenders against the same such reasonable penalties as it thinks fit, not exceeding the sum of fifty rupees for each offence, and in case of a continuing offence a further penalty not exceeding twenty rupees for each day after written notice of the offence from the Local Board.

Power to impose penalties on breach of bye-laws.

Nothing in the provisions of any Act incorporated herewith shall authorize the imposition or recovery, under any bye-laws made in pursuance of such provisions, of any greater penalty than the penalties in this section specified.

106. Bye-laws made by a Local Board under this Act shall not take effect unless and until they have been submitted to and confirmed by the Central Board, which Board is hereby empowered to allow or disallow the same, as it may think proper; nor shall such bye-laws be confirmed—

Confirmation of bye-laws.

Unless one month at least before the making of the application, notice of the intention to apply for confirmation has been given in one or more of the local newspapers circulated within the Local Government Circle to which such bye-laws relate, or if there be no such newspapers, then in such manner as the Local Board may direct; and unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the Local Board, and has been open during office hours thereat to the inspection of the inhabitants of the Circle to which such bye-laws relate, without fee or reward.

The Local Board shall, on the application of any inhabitant of the circle, furnish him with a copy of such proposed bye-laws, on payment of four annas for every hundred words contained in the copy.

A bye-law requiring confirmation by the Central Board shall not require confirmation, allowance or approval by any other authority.

107. All bye-laws made by a Local Board under this Act shall be printed in the vernacular of the district and hung up in the office of the Local Board; and a copy thereof shall be delivered to any inhabitant of the Circle on his applying for the same.

Bye-laws to be printed, &c.

CHAPTER II.—OF LOCAL WORKS.

Roads and Water-channels.

108. On the commencement of this Act, all roads, bridges, tanks, ghats, wells, channels, and drains in any Local Government Circle (not vested in any Union Committee under

Public roads, &c., vested in the Local Board.

section thirty-seven, not being private property, and not being reserved by Government to be maintained at the public expense), now existing or which shall hereafter be made, and the pavements, stones, and other materials thereof, and all erections, materials, implements, and other things provided therefor, shall vest in and belong to the Local Board.

Local Board to send particulars as to roads to Central Board.

109. Every Local Board shall, within such period as the Central Board may fix, submit to the Central Board a schedule of all roads which have become vested in such Local Board under the last preceding section. Such schedule shall specify the length and width of the roads, the number, description, and dimensions of bridges, and shall contain any other particulars that the Central Board may require.

The Local Board may from time to time revise such schedule, or may be required by the Central Board so to do.

Local Board may, with consent of owners, take over and repair roads, &c.

110. The Local Board at a meeting may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Local Board.

Thereupon the property therein shall vest in the Local Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the Circle Fund.

Local Board to appoint Surveyor.

111. Subject to the provisions of section sixty-nine every Local Board shall forthwith appoint a properly qualified person to be Surveyor to such Local Board, or shall combine with any other local authority or authorities in appointing such person to be Joint Surveyor to the combining local authorities.

Any arrangement between two or more local authorities, made under this section, may be determined by any of them after such notice as the Central Board may prescribe.

Salary of Surveyor to Local Board.

112. The Local Board at a special meeting shall determine the salary which it is prepared to give to the Surveyor to the Local Board, and shall report the same to the Central Board, who may approve such salary, or require the Local Board to increase or to reduce it. The salary so determined and approved may from time to time be altered by the Local Board with the approval of the Central Board.

When two or more local authorities shall have appointed a Joint Surveyor under section one hundred and eleven, such local authorities shall determine the salary to be given to such Joint Surveyor, and the proportions thereof to be borne by them respectively, and shall report the same to the Central Board, who may approve such salary and proportions, or require the combining Boards to increase or reduce the salary.

Appointment or dismissal of Surveyor to be subject to approval of Central Board.

113. Every appointment or dismissal of a Surveyor shall be subject to the approval of the Central Board.

Disputes to be appoint to Central Board.

114. Any dispute arising between two or more local authorities acting under the provisions of sections one hundred and eleven or one hundred and twelve shall be referred to the Central Board, whose decision thereon shall be final.

Local Board to appoint overseers, &c.

115. Subject to the provisions of section sixty-nine the Local Board may for the purposes of this chapter appoint such and so many subordinate officers as it may think necessary; all such persons shall be subordinate to, and under the orders of, the Surveyor to the Local Board.

Duties of Surveyor to Local Board.

116. It shall be the duty of the Surveyor to the Local Board to prepare all designs, estimates, and plans which the Local Board may require, and to carry out such works as it may direct.

Local Board to construct and maintain roads, &c.

117. It shall be the duty of the Local Board to provide for

the repair and maintenance of roads, bridges, water-channels, and other means and appliances for facilitating communications which have been taken charge of by the Local Board under this Act, or towards which it may have agreed to contribute; and

the construction of new roads, bridges, water-channels, and other means of communication.

Local Board may contribute towards means of communication, &c.

118. It shall be lawful for the Local Board to take measures for, or to contribute towards, the construction, provision, repair, and maintenance of, any means and appliances for facilitating communication within the Local Government Circle or between the Local Government Circle and other Local Government Circles;

the planting of trees by the roadside; and

the construction and maintenance of any means and appliances for improving the supply of drinking-water, or for providing or improving drainage:

Provided that it shall be lawful for any Local Board, under the provisions of section forty-one, to delegate to any Union Committee within the Local Government Circle the duty of repairing and maintaining so much of any public road as may be situate within its Union.

Duties of District and Divisional Engineers towards Local Boards.

119. Any officer whom the Lieutenant-Governor may appoint to be District Engineer and Deputy Inspector of Local Works of any district or districts, shall, subject to such rules as the Lieutenant-Governor may make in that behalf, act as Consulting Engineer to all the Local Boards within the district or districts to which he shall have been appointed, and prepare all plans, estimates, and designs for local works which, in the opinion of any officer whom the Lieutenant-Governor may appoint to be Divisional Engineer and Inspector of Local Works for the division within which the Local Government Circles of such Board are situate, may be beyond the professional qualifications of the Surveyor to any such Local Board.

120. The Divisional Engineer and Inspector of Local Works, or the District Engineer and Deputy Inspector of Local Works may inspect all works which may be under construction by, or under the charge of, the Local Boards or Union Committees within their respective divisions and districts.

Divisional and District Engineers to inspect works, &c.

For the purposes of such inspection the Divisional Engineer and Inspector of Local Works and the District Engineer and Deputy Inspector of Local Works may at all times enter on, or cause to be entered on, any immoveable property belonging to such Boards or Committees, or any work in progress under their direction, and may require them to furnish such statements, estimates, and reports as they think fit.

Reports of such inspection shall be prepared, and copies thereof shall be forwarded to the Boards through the Magistrate of the district.

In all matters of professional and departmental detail the Boards shall be guided by the opinions of such inspecting officers.

121. The powers of the Local Board under the provisions of sections one hundred and seventeen and one hundred and eighteen shall be subject to such rules as the Lieutenant-Governor may from time to time make, regarding the submission for approval of plans, designs, and specifications.

Powers of Boards under sections 117 and 118 to be subject to approval of plans.

Tramways and Railways.

122. It shall be lawful for any Local Board, either singly or in combination with any other local authority to construct and maintain within, or partly within and partly without, its own Local Government Circle, a railway or tramway under the provisions of any law for governing the construction of railways or tramways for the time being in force in Bengal, and to do all lawful acts which may be necessary in that behalf.

Local Board may construct tramways.

123. The Local Board may, for the purposes of the last preceding section, borrow and take up at interest, on credit of the local cesses, any sums of money necessary for defraying the expenses of such construction and maintenance, and may guarantee the payment of interest on such loans, or may subscribe to any debenture loan raised by the Government of India or by any local authority for the construction or maintenance of any railway or tramway, which, in the opinion of such Local Board, is likely to be of direct benefit to the Local Government Circle of such Local Board.

Local Board may raise loan to construct tramway.

124. The last two preceding sections shall, so far as is consistent with the tenor thereof, be read with and form a part of the Bengal Tramways Act of 1883.

Last two sections to be read with Bengal Tramways Act.

125. No proceedings of a Local Board under the last three preceding sections, except such proceedings as are matters of routine, shall be valid unless and until they shall have received the sanction of the Central Board.

Sanction of Central Board required to proceedings under these sections.

Buildings.

126. The Lieutenant-Governor may, with the consent of the Local Board from time to time, by notification in the *Calcutta Gazette*, direct that any public building, which is under the control of the Government, and which is situate within a Local Government Circle, shall be placed under the charge of the Local Board for the purpose of alteration, repair or maintenance, or entrust a Local Board with the construction of a new building.

Government may put public buildings under charge of Local Board.

Every order made under this section shall specify the conditions upon which such building is placed under the charge of, or is to be constructed by, the Local Board :

Provided that nothing in this section shall apply to any building which shall have become vested in a Local Board under any other section of this Act.

Sanitation.

127. Subject to any rules that may from time to time be made by the Lieutenant-Governor or by the Central Board, it shall be the duty of every Local Board to provide, so far as may be possible, for the proper sanitation of so much of its Local Government Circle as is not included in any Union, and to incur such expenses or undertake such liabilities as may be necessary in that behalf.

Local Boards to provide for sanitation.

Every Local Board shall have and exercise, as regards such portions of its Local Government Circle as are not situate within any Union, the same powers and duties as are vested in or imposed upon Union Committees under the provisions of sections forty-six, forty-seven, forty-eight, forty-nine, and fifty of this Act.

128. Where any water-course or open ditch lying near to or forming the boundary between the Circle of any Local Board and any adjoining Local Government Circle is foul and offensive, so as injuriously to affect the Circle of such Local Board, the Central Board may, on the application of such Local Board, call upon the Local Board of such adjoining Circle to shew cause why an order should not be made for cleaning such water-course or open ditch, and for executing such permanent or other structural works as may appear to the Central Board to be necessary; and the Central Board, after considering the cause shewn (if any), or *ex parte* in case of the default of the Local Board to shew cause, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportion the costs of such works shall be paid, and also as to the amount thereof and the time and mode of payment, as to the Central Board may seem reasonable.

Provision for obtaining order for cleansing offensive ditches lying near to, or forming boundaries of, circles.

129. The Local Board may require any Union Committee subordinate to it within eight days or such longer period as the Local Board may fix, to cleanse or repair any public tank, stream or well, or public drain within the Union of such Union Committee, and to charge the cost of such cleansing or repairing to the Union Fund, or, if such fund be not sufficient,

Local Board may require Union Committee to cleanse public tanks.

to levy the same from persons resident within the Union in such manner as may be provided in any Act for the levying of the Chowkeedaree Tax for the time being in force in the district.

If the Union Committee make default in carrying out such order, the Local Board may itself perform the same, and may require the Union Committee to make good the expense thereby incurred.

Local Board may direct Union Committee to call upon owner to cleanse private tanks, &c.

130. The Local Board may direct any Union Committee subordinate to it to call upon the owner of any tank, stream or well used for drinking purposes to cleanse or fill up the same, or to call upon the owner or occupier of any land which appears to be in a state injurious to health or offensive to the neighbourhood to clear or drain the same, or to take such other action with respect thereto as it may think fit. If such owner makes default in carrying out the said order the Local Board may authorize the Union Committee to perform the work, and to recover the expense thereby incurred from such owner: Such expense shall be recoverable in the manner provided by any law for the time being in force for the recovery of public demands.

Provided that, when the cost of carrying out any order under this section shall be estimated as likely to exceed the sum of one thousand rupees, the Local Board shall not issue such order without the consent of the Central Board.

General powers for supplying circle with water.

131. Any Local Board, may, with the consent of, and subject to such limits of cost as shall be imposed by, the Central Board, provide its Local Government Circle, or any place therein, or any part thereof, with a supply of water proper and sufficient for public and private purposes, and, for those purposes or any of them, may—

(1) construct and maintain water-works, dig wells or tanks, and do any other neces ary acts; and

(2) take on lease or hire any water-works, and purchase any water-works, or any water, or right to take or convey water, either within or without its Local Government Circle; and

(3) contract with any person for a supply of water.

Penalty on obstructing or diverting water.

132. Any person who shall unlawfully flush, draw off, divert or take water from any water-works, well or tank belonging to or under the management or control of a Local Board, or from any water or stream by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees.

Local Board to appoint Sanitary Inspector.

133. Every Local Board may appoint a properly qualified person to be its Sanitary Inspector, and shall, subject to the provisions of sections sixty-nine and one hundred and thirty-five, fix the salary of such Sanitary Inspector, and the details of the establishment subordinate to him.

The Local Board may, with the consent of the Central Board, dismiss its Sanitary Inspector.

CHAPTER III.

MISCELLANEOUS POWERS AND DUTIES OF LOCAL BOARDS.

Vaccination.

Local Boards to have supervision of vaccination within their Circles.

134. Every Local Board to which the provisions of this and the next four succeeding sections shall have been extended, shall, within its Circles, be charged with the appointment, payment, management, and supervision of all public vaccinators.

Local Board to appoint Inspectors of Vaccination.

135. Every such Local Board shall appoint a properly qualified person to be Inspector of Vaccination within its Local Government Circle, and shall, subject to the provisions of sections sixty-nine and one hundred and thirty-three, fix the salary to be paid to such person.

Every Inspector of Vaccination appointed under this section shall, within the Local Government Circle, exercise the powers and perform the duties assigned to the Superintendent of Vaccination under the provisions of the Bengal Vaccination Act, 1880.

The Inspector of Vaccination shall also perform the duty of Sanitary Inspector to the Local Board under the provisions of section one hundred and thirty-three of this Act.

Local Board to have powers of Magistrate in Circles to which the vaccination Act extends.

136. In every Local Government Circle to which the Bengal Vaccination Act, 1880, has been, or may hereafter be, extended, the Local Board shall have the powers of the Magistrate of the district under section twenty-five of the said Act.

Central Board to control vaccination and make rules.

137. Every Local Board to which the provisions of sections one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, and one hundred and thirty-eight shall have been extended shall, in the exercise of such provisions, be subject to the general control and supervision of the Central Board. It shall be lawful for the Central Board, with the consent of the Lieutenant-Governor, from time to time, to make rules consistent with this Act and with the Bengal Vaccination Act, 1880:

And such rules, with the like consent, from time to time to modify, add to or revoke.

Act to be read with the Bengal Vaccination Act.

138. The four last preceding sections, so far as is consistent with the tenor thereof, shall be read with, and form a part of, the Bengal Vaccination Act, 1880.

Of taking a Census.

Central Board may direct Local Boards to take a census.

139. It shall be lawful for the Central Board, with the sanction of the Lieutenant-Governor, at any time to require a Local Board to take an account of the number of persons who, at the time of taking such account, shall be within the Local Government Circle of such Local Board and for that purpose to employ such and so many persons and incur such expenditure as the Central Board may direct.

140. Every Local Board which shall be required to take an account under the last preceding section shall, in taking such account, conform to any rules that may be made in that behalf by the Central Board with the sanction of the Lieutenant-Governor, and to the provisions of any Act for regulating the taking of a census that may for the time being be in force in Bengal.

Powers for taking census.

Famine Relief.

141. Subject to such limit of expenditure as may be prescribed by the Central Board, every Local Board to which this section shall have been extended shall be authorized to take such measures as it thinks fit for the relief of famine within its Local Government Circle, and for that purpose may—

Local Boards to take relief measures in case of famine.

(1) Open and maintain such and so many relief works as may be necessary.

(2) Open and maintain such and so many temporary hospitals, poor-houses, orphanages, and places for the gratuitous distribution of food, as may be necessary.

(3) Employ such extra medical or other assistance as may be necessary.

(4) Combine with any other Local Board or Boards for all or any of such purposes.

Miscellaneous.

142. It shall be lawful for any Local Board, with the consent of the Central Board, and subject to any rules which may, from time to time, be made in that behalf by the Lieutenant-Governor, or by the Central Board with the sanction of the Lieutenant-Governor, to

Miscellaneous powers of Local Boards.

(1) Construct and maintain, at such places within its Local Government Circle as it thinks fit, staging bungalows for the use of travellers, and charge such fees for the use of such bungalows as it thinks fit:

Staging bungalows.

Provided that such fees shall in no case exceed the amount prescribed by the Central Board.

(2) Offer rewards, upon such scales as may be approved by the Central Board, for the destruction of noxious animals within the Local Government Circle.

Rewards for destruction of noxious animals.

(3) Establish and hold fairs and hâts within its Local Government Circle.

Fairs and hâts.

(4) Hold, within its Local Government Circle, from time to time, exhibitions of cattle, country produce, and agricultural implements, or local manufactures, and incur such expenditure and charge such fees in that behalf as may, from time to time, be sanctioned by the Central Board.

Exhibitions.

(5) Undertake and carry out any other local work likely to promote the health, comfort or convenience of the public and not provided for in any other chapter of this Act.

Works not otherwise provided for.

PART V.

Of the Duties and Powers of the Central Board.

143. The Lieutenant-Governor may appoint one or more persons to be Secretary or Secretaries of the Central Board.

Officers of Central Board.

The Central Board may from time to time appoint, for such period as it may think fit, such and so many Inspectors, Auditors, Clerks, and other subordinate officers as the Board may, with the sanction of the Lieutenant-Governor, determine.

144. The Central Board shall be charged with the general control and supervision of the working of this Act, and for that purpose shall have power—

Central Board to have general control and supervision of local authorities.

(1) to constitute in any district to which this Act shall be extended, Unions and Union Committees and Local Government Circles and Local Boards under the provisions of Part I, Chapters I and II;

(2) to extend all or any of the provisions of this Act to any such Union Committees or Local Boards;

(3) to supersede or suspend any Union Committee under the provisions of section one hundred and fifty-three;

(4) subject to the provisions of section sixty-nine, to fix the establishments to be employed by any Local Board for the purposes of this Act, and the cost of such establishments;

(5) to fix the maximum amount of expenditure to be incurred by a Local Board in carrying out all or any of the provisions of this Act;

(6) to sanction the appointment for any of the purposes of this Act, and under the provisions hereinbefore contained, of Joint Local Boards; to fix the details of the establishment to be employed, and the maximum expenditure on work to be done, by such Joint Local Boards, and the proportion in which the cost of such establishment and works shall be borne by each of the combining Local Boards; and to give a decision, which shall be final, on any dispute that may arise between such Boards.

(7) To enter on and inspect, or to cause to be entered on and inspected, any immoveable property occupied by a local authority or any work in progress under its direction.

(8) To call for and inspect any record or other document which may be, for the purposes of this Act, in the possession or under the control of any local authority.

(9) To require any local authority to furnish such estimates, statements, accounts, and reports as it thinks fit; to revise such estimates, statements, accounts, and reports, and to return them for modification, alteration or correction.

(10) To make bye-laws for the general purposes of this Act, and to make rules and regulations for the general control of local authorities.

The Central Board may from time to time modify, add to or revoke any order made by it under this section; and every order made under clauses (1), (2), (3), (4), (6), or (10), together with any modification, addition to or revocation of such order, shall be published in the *Calcutta Gazette*.

145. The Lieutenant-Governor may, from time to time, limit the amount to which the Central Board shall be empowered to sanction expenditure by the Local Boards in the various departments of their duty under this Act. Subject to those limits the Central Board shall be empowered to sanction the amounts to be expended by Local Boards under any of the provisions of this Act.

Lieutenant-Governor to fix amount to which Central Board may sanction expenditure.

146. The Central Board may from time to time cause to be made such enquiries as are directed by this Act, and such enquiries as it deems fit, in relation to any matters concerning the public health in any place, or any matters with respect to which its sanction, approval or consent is required by this Act.

Power of Board to direct enquiries.

147. The Central Board may make orders as to the costs of enquiries and proceedings instituted by the said Board under this Act, and as to local authorities by which such costs shall be borne.

Orders as to costs of enquiries.

148. Inspectors of the Central Board shall, for the purposes of any enquiry directed by the Board, exercise such powers as the Board may direct.

Power of Inspectors of Central Board.

149. The Central Board, with the consent of the Lieutenant-Governor, may by notification in the *Calcutta Gazette* extend all or any of the provisions of Chapter III of Part IV of this Act, to any Local Board, and such provision or provisions shall take effect accordingly in the Local Government Circle of such Board from the date specified in the notification.

Central Board may extend provisions of Part IV, Chapter III, to any Local Board.

PART VI.

CONTROL.

Control over Union Committees.

150. (1) If any Union Committee makes default in the performance of any duty imposed on it by or under this Act, the Local Board may, by order in writing, fix a period for the performance of the duty.

Powers for Local Board to provide for performance of duty in default of Committee.

(2) If the duty is not performed within that period, the Local Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance, out of the funds appropriated to or for the purposes of the Union Committee.

151. The Local Board may at all times enter on and inspect, or cause to be entered on and inspected any immoveable property occupied by, or any work in progress under the orders of, any Union Committee in its Circle, and may suspend or prohibit the execution of any particular work.

Local Board may enter on and inspect works, &c., of Union Committee.

Any order made by a Local Board under this section, shall, with a copy of the reasons for making such order, be forwarded to the Central Board, and the Central Board may rescind the order, or direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

152. The Magistrate of the District or the Sub-Divisional Officer may at all times enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, any Union Committee within their jurisdiction.

District Officers may inspect works.

153. If it shall appear to the Magistrate of the District or Sub-Divisional Officer that the execution of any order or resolution of any Union Committee within their jurisdiction, or the doing of any act which is about to be done, or is being done, by such Union Committee, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, such Magistrate or Sub-divisional Officer may, by order in writing, suspend the execution, or prohibit the doing, thereof.

District Officer may suspend works.

When any Magistrate of a District or Sub-Divisional Officer, makes any order under this section, he shall forthwith forward to the Local Board a copy of such order, with a statement of his reasons for making it.

154. If a Union Committee or Joint Union Committee is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Central Board may, with the previous approval of the Lieutenant-Governor, by an order published, with the reasons for making it, in the *Calcutta Gazette*, declare Committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Powers to supersede Union Committee in case of incompetency, default or abuse of powers.

155. When any Union Committee shall have been superseded under the last preceding section the following consequences shall ensue:—

Consequences of supercession of Union Committee.

(*a*) All members of the Union Committee shall, as from the date of the order, vacate their offices as such members.

(*b*) All powers and duties of the Union Committee shall, during the period of supersession, be exercised by, and its property shall vest in, the Local Board of the Circle.

On the expiration of the period of supersession specified in the order, the Union Committee shall, subject to the provisions of sections nine and ten, be re-established by election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for election.

Control over Local Boards.

156. All Local Boards shall act under the general guidance and instructions of the Central Board, carry out its orders, and receive and give due weight to the advice of its officers.

Local Boards to act under general guidance of Central Board.

157. When any dispute or difference arises between the Central Board and a Local Board, the Central Board may refer the points of dispute or difference, or any other question arising between itself and such Local Board, to the Lieutenant-Governor, whose decision thereon shall be final.

Procedure in case of dispute between Central and Local Board.

158. The Magistrate of the District and any Sub-Divisional Officer within whose jurisdiction any Local Government Circle is situated, shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, the Local Board of such Local Government Circle.

District Officers may inspect works.

159. If it shall appear to the Magistrate of the District that the execution of any order or resolution of a Local Board within the jurisdiction of such Magistrate, or the doing of any act which is about to be done, or is being done, by such Local Board, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, such Magistrate may, by order in writing, suspend the execution, or prohibit the doing, thereof.

District Officer may suspend work.

When any Magistrate of a District makes any order under this section, he shall forthwith forward to the Central Board a copy of such order, with a statement of his reasons for making it.

160. (1) When the Central Board is informed on complaint made or otherwise, that a local authority has made default in performing any duty imposed on it by or under this Act, the Central Board, if satisfied after due enquiry that such local authority has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

Power to provide for performance of duties in default of local authority.

(2) If that duty is not performed within the period so fixed, the Central Board may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local authority.

(3) If the expense and remuneration are not so paid, the Central Board may make an order directing the person having the custody of the balance of the Circle Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance, and, if the default has been made by any Union Committee, to recover such expense from the Union Fund.

161. (1) In cases of emergency the Central Board may provide for the execution of any work, or the doing of any act, which a local authority is empowered to execute or do, and the immediate execution or doing of which is in its opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local authority.

Extraordinary powers of Central Board in case of emergency.

(2) If the expense and remuneration are not so paid, the Central Board may make an order directing the person having the custody of the balance of the Circle Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance, and, if the default has been made by an Union Committee, to recover such expense from Union Fund.

162. It shall be lawful for the Central Board at any time to suspend the action of any Local Board in regard to any specific proceeding or work, pending further enquiry.

Central Board may suspend Local Board.

163. If, in the opinion of the Central Board, the execution of any order or resolution of a local authority, or the doing of any act which is about to be done, or is being done, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, it may, by order in writing, suspend the execution or prohibit the doing thereof.

Power to suspend execution of orders, &c.

164. If any Local Board or Joint Local Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Central Board may, with the previous approval of the Lieutenant-Governor, or the Lieutenant-Governor may of his own motion, by an order published, with the reasons for making it in the *Calcutta Gazette*, declare the Board or Joint Board to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power to supersede Local Board or Union Committee in case of incompetency, default or abuse of powers.

165. When any Local Board shall have been superseded under the last preceding section the following consequences shall ensue :—

Consequences of supersession of Local Board.

(*a*) All members of the Board shall, as from the date of the order, vacate their offices as such members.

(*b*) All the powers and duties of the Board shall, during the period of supersession, be exercised and performed by such person or persons as the Lieutenant-Governor may direct.

(*c*) All property vested in such Board shall, during the period of supersession, vest in the Government.

On the expiration of the period of supersession specified in the order, the Board shall be re-established by appointment and election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

166. All the authorities entrusted with the execution of this Act, shall exercise the powers and perform the duties by this Act assigned to them respectively, subject to the general control of the Lieutenant-Governor.

Lieutenant-Governor to have general power of control.

PART VII.

MISCELLANEOUS PROVISIONS.

167. If any member, officer or servant of a local authority, appointed under this Act, is, otherwise than as hereinbefore provided, directly or indirectly interested in any contract made with that authority, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

Power to make compensation out of the Local Fund.

168. Every local authority may make compensation out of the Circle or Union Funds respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to be brought against the members of local bodies or their officers until after one month's notice of cause of action.

169. No suit shall be brought against the members of any Local Board or Union Committee, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Local Board or Union Committee, and also (if the suit is intended to be brought against any officers of the said Board or Committee, or any person acting under their directions) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit;

And unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

FIRST SCHEDULE.

(SEE SECTION 2.)

Number and Year.	Subject.	Extent of repeal.
Bengal Act IX of 1880.	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of Provincial public works.	Sections 110 to 181 inclusive.

SECOND SCHEDULE.

(SEE SECTION 2.)

Number and Year.	Subject.	Extent of amendment.
Bengal Act IX of 1880.	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of Provincial public works.	In section 4, the following definitions shall be substituted for the definition of "The Committee—"

Amendment of section 4.

'Central Board' means the Central Board constituted under the Bengal Local Self-Government Act of

"Central Board."

"Local Government Circle" means any area subject to the jurisdiction of a Local Board constituted under the provisions of the Bengal Local Self-Government Act of , and 'Local Board' means any Board so constituted.

"Local Government Circle" and "Local Board."

'Circle Fund' means the Fund formed under section thirty of the Bengal Local Self-Government Act of ."

Circle Fund.

In section 9 the words "and, together with other assets of such fund, shall be applied to the purposes mentioned in section 111," shall be omitted.

The following section shall be substituted for section 38:—

"38. The road cess for each year shall be assessed and levied in each district as provided in section 6, and, (subject to the maximum rate in that section mentioned), at such rate as may be determined for such year by the Local Board, or in any district in which there are two or more Local Boards, by the annual conference

Rate at which road cess shall be levied, how to be fixed.

Number and Year.	Subject.	Extent of amendment.
Bengal Act IX of 1880.	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of Provincial public works.	of Local Boards, under section seventy-four of the Bengal Local Self-Government Act of ." In sections 82 and 83 the words "District Road Funds," and "District Road Fund" shall be substituted for the words "Committees" and "Committee" respectively. In section 98 the words "District Road Fund" shall be substituted for the words "District Road Committee." In section 108, the words. "and of all sums whatsoever which may be at the disposal of the District Road Committee as hereinafter appointed" shall be omitted. The following new section shall be substituted for section 109:— "109. The District Road Fund of every district shall be applicable to the following objects and in the following order:— (Application of District Road Fund.) *Firstly*.—To the payment of the cost of establishments entertained and expenses incurred by the Collector under section 91. *Secondly*.—To the indemnification of the Collector, with the sanction of the Commissioner, for any other costs or damages which he may have incurred, or for which he may have become liable, in the course of the proceedings for the assessment and collection of the cesses under this Act. And the balance, after payment of such expenses, shall be credited to the Circle Fund of the district. Should there be more than one such Fund in the district, the balance shall be credited to such Funds in such proportion as the Central Board may direct." The following new section shall be substituted for section 182:— "182. The Lieutenant-Governor and the Central Board with the consent of the Lieutenant-Governor, may from time to time make, and when made, from time to time, alter, add to, or cancel any rules not inconsistent with the provisions of this Act— (Lieutenant-Governor empowered to prescribe forms and rules.) (*a*) regulating the performance of the duties of the Local Boards and of all persons employed under this Act, and in regard to the qualification, appointment, election, and discharge of such persons; (*b*) prescribing the authorities by whom the execution of works of different classes respectively may be authorized and sanctioned; (*c*) prescribing forms for the estimates, accounts, reports, and statements required by this Act to be kept or made by the Local Board; (*d*) prescribing forms of accounts to be kept by the Collector under this Act; (*e*) providing for the submission and checking of any estimates or accounts and for the audit of such accounts as aforesaid; (*f*) fixing the dates for payment of instalments of cess under sections 42 and 57; (*g*) determining the amount of fees to be levied for supplying copies of proceedings of any Local Board as provided in section 68 of the Bengal Local Self-Government Act of ; (*h*) and generally for the purposes of this Act. Such rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.",

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give the people of Bengal a substantial interest and responsibility in the administration of their own local affairs. At present District Road and School Committees exist, but they have very limited powers and these powers are generally exercised under close official control. The Committees cannot be said to offer any attraction to men of education and ability, who desire to participate in the management of public business, and they afford no relief to the Government staff in the administration of the departments of work with which they are supposed to deal. Advantage has been taken of the extension of financial decentralization to revise the system under which official and non-official agencies are associated, and to provide for the establishment of Local Self-Government on a really sound and practical basis.

It is proposed to effect this by establishing (1) Union Committees for the management of affairs of immediate interest to the villagers, (2) Local Boards for the general control of Union Committees and for the management of works and institutions affecting the larger areas. It is hoped that these bodies will give scope for the two elements which are available for the development of Local Self-Government. By the first will be utilized the keen interest which the Bengali peasant takes in all that affects his village and its surroundings. The second will provide important duties to which the educated class may be able to devote their energies.

The area of each Union will be about 12 square miles. The Union Committees will be elected by the villagers themselves by such simple processes as may be familiar to them. They will have the management and control of the primary schools and pounds of the Union and of its roads, tanks and drains, and will be responsible for general sanitation and for the registration of vital statistics within the area under their charge. These Committees will also form an agency for the execution of larger works under the direction of the Local Boards. Thus they may be entrusted, either separately, or jointly with other Union Committees, with the maintenance of lengths of main road lying within the Union or Unions. It is hoped that the Union Committee, being entrusted with real powers and responsibilities, will become an object of importance to the villagers, and that as the voters come to realize the control which they are able to exercise in determining its constitution, a genuine and intelligent interest in the management of the affairs of the Union will gradually be awakened.

The area under a Local Board, to be called a Local Government Circle, must be determined according to local circumstances. The principles to be borne in mind are, on the one hand, that it should not be so large as to render it impossible that the bulk of the members of the Board should have some knowledge of and interest in the tract to be administered, and should be able to devote personal and practical attention to its administration; and, on the other hand, that it should be large enough to provide duties of sufficient importance to interest men of education, and to provide such men for the performance of those duties. It has been considered that the area of an ordinary sub-division is that which will best fulfil these two conditions In backward districts it is possible that only one Local Board can be established. In others two or more sub-divisions, but not all the sub-divisions of the district, will be placed under one Board. In the advanced districts each sub-division will have its own Local Board, and it will only be in these that the success of the measure in its integrity can be anticipated. The Bill will provide that the area of each Local Government Circle may be altered from time to time.

It is recognized that no system of Local Self-Government can be complete if it does not rest on the basis of election. Provision will therefore be made for the election of a proportion of the members of the Local Board where an electoral body can be obtained. It is considered that where the system of Union Committees exists, such a body will be found in the members of these Committees. Where these Committees cannot be found there can be no system of election, as any attempt to enlist the interest of the people at large in the constitution of the Local Boards would be hopeless. It has therefore been provided that if half the area of any thanna is under the jurisdiction of Union Committees a proportion of the members of the Local Board to represent that thanna shall be elected by the members of the Union Committees, and by persons of a certain standard of education who have local interest within the thanna. The number of members for each thanna will ordinarily be three, and of these two will ordinarily be elected. There will be no *ex-officio* members, but one-third of the total number of members will be nominated, subject to the proviso that the number of Government servants so nominated shall not be more than one-fourth of the total number. It is considered necessary to provide for nomination in order to guard the interests of minorities, and to permit of the admission of men who from their position might be unable or unwilling to stand for election, but whose assistance might be essential to the successful working of the Board. Each Board will be allowed to elect its Vice-Chairman absolutely, and its Chairman subject to confirmation by Government.

The Local Boards will have the general control of the Union Committees within their jurisdictions, and will have power to compel them to do their duty. They will also exercise, with some enlargement, the powers now vested in District Road Committees. Provision has been made for an annual conference of delegates from the different Boards in a district for the purpose of fixing the rate of road cess to be levied. The Boards will, subject to departmental rules, have the management and control of all schools within their

Circles, and the allotment of grants, appointment of teachers and inspectors, fixing of standards, conduct of examinations, award of scholarships and the like. Exception has, however, necessarily been made of the powers already exercised by the managing comm ttees of aided schools. The Boards will also be entrusted with extensive powers and duties in regard to hospitals and dispensaries, sanitation, vaccination, famine relief, maintenance of staging bungalows, holding of fairs and exhibitions, and other works of public interest and utility. Powers have been given to them to construct and maintain tramways, railways, and waterworks, and to take charge of or construct public buildings on behalf of Government. Provision has also been made for the appointment of Joint Boards for any purpose in which two or more Local Boards are interested.

The general control of all Local Boards will be undertaken by a Central Board, consisting of a President and so many members as the Lieutenant-Governor may direct. The local officers of Government will, however, have power to inspect the works of the Boards, and to suspend or prohibit any action which may be considered dangerous to the public interests. Copies of the proceedings of each Board will also be sent to the local executive officer. The Central Board will have power to compel a Local Board to perform any duty which it neglects, and it will have power to suspend or prohibit the execution of any work. It will receive and scrutinize the estimates and reports of the Boards, sanction their expenditure above certain limits, and make bye-laws for the general purposes of the Act. The Central Board will be under the general control of the Lieutenant-Governor. In the event of persistent default or abuse of its powers by a Local Board, the Lieutenant-Governor will have power to supersede it by formal order to be published, with the reasons for making it, in the Gazette. A period will in each such case be fixed, after which a Local Board will be re-established. Similar powers in regard to Union Committees will be exercised by the Central Board with the previous sanction of the Lieutenant-Governor.

COLMAN MACAULAY.

The 20th February 1883.

C. H. REILY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

LOCAL SELF-GOVERNMENT.

No. 1597J, dated Bhagulpore, the 14th September 1882.

From—C. T. METCALFE, ESQ., C.S.I., Offg. Commr. of the Bhagulpore Division,
To—The Secretary to the Government of Bengal, Medl. and Munpl. Department.

I HAVE the honour, with reference to your circular letter No. 5T—M, dated the 5th July 1882, to submit my report on the subject of the extension of local self-government.

2. The district officers of Bhagulpore, Purneah, and Maldah have furnished me with their reports, and the views of the influential and intelligent natives. The district officer of Monghyr has not yet furnished me with his opinion on the views of the public, and as the time fixed for the submission of my report is nearly up, I have thought proper not to delay it any longer.

3. I may preface my remarks with the statement that I have visited Monghyr, Purneah, Maldah, and have had many consultations with influential natives, and have discussed the question of local self-government with the district officers and many of the Municipal Commissioners. I shall in the first place deal with the question of the Municipal Boards, and submit my proposals regarding them.

4. Excluding the district of the Sonthal Pergunnahs, where the local self-government scheme is not to be introduced (although I consider the system might be introduced in the town of Deoghur), there are three first class municipalities, three second class municipalities, one station, and three unions, as follows:—

First class municipalities	...	...	...	(1) Monghyr. (2) Bhagulpore. (3) Purneah.
Second ditto	...	...	...	(1) Colgong in Bhagulpore. (2) Englishbazar. (3) Maldah.
Station ditto	...	...	...	(1) Jamalpore.
Unions ditto	...	...	...	(1) Kharakpore in Monghyr. (2) Ranigunge in Purneah. (3) Kishengunge in Purneah.

It may here be noted that the Jamalpore station is about to be converted into a second class municipality.

5. Full publicity has been given to section 16 of the Municipal law by regular notices hung up in conspicuous and public places; but the effect of it remains to be seen. In Bhagulpore only I am given to understand that signatures of the rate-payers are being collected. I much doubt whether the people care sufficiently about the matter to petition to be allowed the right of election of members, and if the Government insist on the rule, the elective system for which there is so much cry, will not, I fear, be introduced anywhere in this division. I am, however, of opinion that the system may be tried, and tried with success, in some of the municipalities to which I shall refer further on, and would recommend strongly that the rule requiring applications for the introduction of the elective system to be made before the system itself be introduced may be relaxed, if not rescinded altogether. In every place where there has been any public demonstration in favour of the system in meetings fairly attended by intelligent people of all classes, it may be introduced.

6. The following is a summary of the public opinion regarding the Municipal Boards:—

Monghyr.—I have no information on the subject. As far as I am aware, there has been no public meeting.

Bhagulpore.—There were several meetings here. The leading members of the local bar representing as they claim to do the voice of the intelligent portion of the community wish that the Municipal Commissioners should be elected, and that the Commissioners should elect their own Chairman. The persons who took the lead at these meetings were Bengali pleaders, but a considerable number of the leading Behari rate-payers attended the meetings and seconded the resolutions. The meetings were generally well-attended; but the actual numbers are not given.

Purneah.—The meeting at which 36 persons were present dealt with the question of local board only. The majority of the rate-payers do not take sufficient interest to petition for right of election. The time of the meeting was very necessarily taken up with a discussion on the difficulties that would arise if men of inferior position were elected. It is a point to be remembered that the democratic principle of an English elective system will find few sympathisers among the higher class of natives whose lives have been passed on their own estates, and that it will take time to overcome the existing prejudices.

Colgong.—There was no meeting.

Englishbazar.—There were present eight members of the municipality and several leading rate-payers of the town at a meeting. They all voted for the elective system; the Chairman to be elected by the Commissioners subject to the approval of Government.

Maldah.—The number of people who attended the meeting has not been given. The decision arrived at was the same as at Englishbazar. Much interest was taken.

Jamalpore.—I am told there was a meeting, but no report of the proceedings has yet reached me.

Kharakpore, Ranigunge, Kissengunge.—There was no meeting, and no interest whatever has been taken in the subject, and no sufficient number of people could be got together to hold even the semblance of a meeting.

7. The Bhagulpore Municipality has a population of 67,695. The number of voters cannot be given till the qualification test is definitely settled. There are in the town 101 persons paying road cess of Rs. 25 and upwards, and 223 persons paying license tax of Rs. 20 and upwards, besides 24 persons who pay in other districts, but reside here. Two hundred and fifty-seven persons pay license tax of Rs. 10, besides five persons who pay in other districts. Fifty-two influential persons are named from among whom Commissioners might be elected. The municipality is divided into six wards, which are again sub-divided into 14 blocks. The district officer has proposed that 14 members should be elected by vote for the 14 blocks, and that seven members should be appointed by Government. He thinks that the Municipal Board would be strengthened by the appointment by Government of a certain number of members; for example, the Civil Surgeon, the Divisional Superintendent of Works, and the Executive Engineer. I would confine the Government nominees to the above officers, adding the Government Pleader in cases where he may not be elected. I am sanguine that in Bhagulpore the elective system will be successful; already the executive work is being carried on by an independent Vice-Chairman with the happiest results. Both Chairman and Vice-Chairman should be elected by the elected members.

8. The Purneah Municipality has a population of 14,827. It contains only 41 persons qualified to act as members according to the Government qualification test; but this test does not apply to municipalities, it being intended for local boards. Twelve members are recommended, half of whom should be nominated. I would reduce the number of Government nominees to the persons above mentioned, and increase the total number of members to 18. It must be remembered that marriage and religious ceremonies occupy a very considerable time of native gentlemen's leisure time, and provision should be made for a full attendance of members by an increase in the number of members. Thirty-six influential persons are known residents within the municipality, from among whom Commissioners might be elected. The district officer thinks that the Commissioners should be allowed to nominate their own Chairman and Vice-Chairman. In this I concur.

9. The Colgong Municipality has a population of 5,463. There are two persons paying Rs. 25 and upwards as road cess and 28 persons paying license tax of Rs. 20 and more. There are 29 persons paying license tax of Rs. 10 each. The elective system is not recommended to be extended to this municipality.

10. In the Englishbazar Municipality, the population of which is 12,360, 83 persons are found who come up to the Government qualification test. Fifteen members are proposed for the Municipal Board. It is recommended that all members should be elected and the Chairman nominated by the elected members. The names of 32 influential men have been recorded, from among whom it is likely candidates for election may present themselves.

11. The old Maldah Municipality numbers 4,694 souls, with only 40 rate-payers up to the Government qualification test. Fifteen members are proposed for the Board; the whole to be elected. Eighty-five respectable persons have been registered, from among whom election, may be made.

12. I have not been furnished with similar details regarding the Monghyr and Jamalpore Municipalities, and Kharakpore, Ranigunge, and Kishengunge unions.

13. My recommendations are that in Monghyr, Bhagulpore, Purneah, Maldah, Englishbazar, and Jamalpore the elective system be introduced thoroughly. All the Commissioners should be elected with the exception of the four Government nominees mentioned: the Commissioners to elect their own Chairman. The Chairman may be official or non-official, European or native, as the Commissioners may choose; and if an official is elected, he should be allowed to vote. I would not interfere with the present arrangements either at Colgong or in the unions.

14. The constitution of the municipalities should be as follows:—

Bhagulpore ...	28	members, at the rate of two to each block.
Monghyr ...	20	The municipalities must be divided into wards, and there should be a certain number of members for each ward.
Purneah ...	8	
Maldah ...	5	
Englishbazar ...	5	
Jamalpore ...	16	

15. *Voters in municipalities.*—In municipalities I do not see why the test of road cess or license tax or other than property within the municipality should be required as a qualification to vote; the right to vote should be conferred upon rate-payers. The qualification test which I would fix is the payment of a total annual rate, including house tax and tax on carriages and horses, of Rs 5 and upwards. The number paying Rs. 10 and upwards is found to be about 300; so the lesser rate of Rs. 5 is suggested.

Candidates for election.—Among persons who may stand as a candidate for election, I would include people who pay a total rate of Rs. 20 and upwards, officers in the service of Government drawing Rs. 50 and upwards a month; other qualifications should also be recognized in candidates for election. For instance, all graduates in arts, law, medicine, and engineering, and certificated vakils of all grades, diplomaed persons carrying on the profession of medicine and engineering, and school-masters resident within the limits of municipalities and graded, drawing a salary of not less than Rs. 50, may be allowed to stand as candidates for election irrespective of any property qualification.

16. As regards local boards, public opinion seems to be as follows:—

Bhagulpore.—There were several well-attended meetings of the Bhagulpore Association. The elective system was asked for in all the local sub-divisional boards, the elected members choosing their own Chairman. The Government qualification test for voters and also for candidates for election was considered too high. In the opinion of the meeting, persons paying road cess of Rs. 5 and license tax of Rs. 10 and having an annual income salaried or otherwise of Rs. 200, should be allowed to vote; and as regards candidates, the test to be Rs. 10 road cess and Rs. 20 license tax, or Rs. 500 annual income. In the case of joint-families, the qualification of voters and candidates should be double of what is required in the case of single persons. A meeting was also called at Bhagulpore by the district officer, at which about 130 persons belonging chiefly to the middle classes were present. The result of their deliberations was that the elective system should be introduced, and there should be a separate board for each of the four thanas in the sudder sub-division, and the members elected for each board should choose their own Chairman.

Banka in Bhagulpore.—A meeting was convened by the sub-divisional officer and was attended by upwards of 200 persons comprising the leading zemindars, mahajans, pleaders, and mooktears, and a fair number of the middle classes. They resolved that they might be permitted to elect the members of a local board to be presided over by the sub-divisional officer as Chairman with power to vote.

Supole and Mudhapura in Bhagulpore.—The meeting at the former place was attended by 265 persons and at the latter by about 100 persons. The resolutions passed at both the meetings were in favour of the sub-divisional boards, the members of which should be nominated by Government to work under the sub-divisional officer, and that the elective system be postponed till education has made further progress.

Purneah.—At the meeting held, 14 Europeans and 22 natives were present. Baboo Mohesh Lall, a rich banker, expressed a fear that persons might be elected with whom respectable members would not care to sit. The opinion of the meeting was that the present members of the Road Cess Committee should continue as members of the board, and should prepare, in consultation with the district officers, lists of qualified candidates for each thana, whose names should be submitted for election, and from among these the voters should be required to select members to sit on the district board. The members to elect their own Chairman.

Maldah.—The meeting was attended by the eight Commissioners of the municipality and several leading rate-payers. It is said to have been an enthusiastic meeting principally attended by members of the local bar by whom the proceedings were conducted. The popular feeling is said to be in favour of all unofficial and independent members as Chairman. In the opinion of the meeting money qualification alone should not be insisted upon, as many of the more respectable residents are poor, and to exclude them would be to deprive the community of their services. Persons having an income of Rs. 200 to be entitled to vote.

17. The population of the sudder sub division of the district of Bhagulpore, excluding the two municipalities of Bhagulpore and Colgong, is 473,199, and the area 976 square miles. There are 304 persons qualified for membership according to the Government qualification test. The district officer recommends one sub-divisional board for the head-quarters sudder sub-division of 18 members, of whom 12, or 3 from each thana, should be elected, while the remaining 6 should be appointed by Government. In Banka, Mudhapura, and Supole the population is 415,696, 398,006, and 600,874, and area 1,186, 872, and 1,275 square miles respectively. In the first-named sub-division there are 262 qualified persons. This information is not given regarding the other sub-divisions. In all the three sub-divisions the district officer proposes a board or committee, the members of which should be nominated by Government with the sub-divisional officer as Chairman. The decisions arrived at by the sub-divisional meetings are considered to be rather astonishing, because in Banka, which borders on the district of Sonthal Pergunnahs, and which is sparsely populated, where a considerable proportion of the inhabitants belong to semi-barbarous tribes, where education and civilization are pre-eminently backward, where most of the land is owned by non-resident proprietors, and where hardly three or four of these proprietors, who do reside in the sub-division, have had any education at all, the people have asked for the elective system.

18. The district officer of Purneah recommends a board for the sudder sub-division, which has a population of 773,310 and an area of 2,572 square miles. According to the Government qualification rule, there are 344 persons qualified to act as members; 20 members are recommended, half of them to be nominated. No recommendations have been made regarding boards at the Arrareah and Kishengunge sub-divisional head-quarters.

19. In Maldah, where there are no sub-divisions, the district officer will for the present have one local board at the district head-quarters, from which seven independent local boards

would be gradually formed from the union of chowkidari unions round important local centres at Chanchal, Mathurapore, Bholahat, Kaliachuck, Shibgunge, Rokunpore, and Nawabgunge.

20. As already stated, no proposals have yet been made by Mr. Kean. I am, however, decidedly of opinion that Monghyr is pretty fairly advanced, and there is every probability of success if the elective system were tried there at head-quarters and at both the interior sub-divisions. I would recommend a mixed elective system, two-thirds of the members to be elected and one-third to be nominated. The Chairman must in every case be chosen by the elected members. As regards Bhagulpore, I would make the same recommendation for the sudder sub-division. In the sudder sub-division of Purneah and in Maldah I would have a mixed elective system on the basis recommended by Mr. Weekes, that one-half of the members should be elected and the other half, owing to the backward nature of the district, nominated. In the Banka, Supole, Mudhapura, Arrareah, and Kishengunge sub-divisions I would have local boards wholly under the nomination system, but allow the members appointed to elect their own Chairman. The Chairman, as in the case of municipalities, may be official or non official, Native or European, and if an official is elected, he should be allowed to vote. Thus it will be seen that in all the districts local boards, whether by election or nomination, can in my opinion, be formed, and as such they come within class 3 of paragraph 8 of the Government circular.

21. In regard to the constitution of all the local boards where the elective system is proposed, I would recommend as follows:—

	Number of thanas.	Number of elected members.	Number of nominated members.	Total.
Monghyr, Sudder	5	15	7	22
Begooserai	2	10	5	15
Jamui	4	12	6	18
Bhagulpore	4	12	6	18
Purneah, Sudder	7	14	14	28
Maldah	9	9	9	18

In Banka, Supole, Mudhapura, Arrareah, and Kishengunge I would have 10 to 12 nominated members.

22. With reference to the qualification test for candidates and voters opinions vary. The district officers of Bhagulpore and Purneah approve of the Government standard. Mr. Porch of Maldah would fix the qualification of voters at Rs. 200 a year, and of members at Rs. 500 a year income. I have no objection no urge against the Government standard, *vide* paragraph 10; but I would enlarge the test by including officers in the service of Government, or recognized local bodies and professional men holding recognized positions, as recommended for the municipalities.

23. With reference to the mode of election of members of municipal and local boards I would propose the following rules for adoption:—

(*a*) The Chairman or Vice-Chairman of each municipality, in the case of a municipality, and the district or the sub-divisional officer in the case of a local board, are to prepare registers of qualified voters and eligible candidates, it being open to any qualified person, so desiring it, to apply to have his name registered. These registers are to be published conspicuously both in the district and sub-divisional kutcherries, and at such other places within the limits of the municipalities and sub-districts as shall be deemed advisable.

(*b*) After the publication of the registers as provided in rule (*a*), those who wish to propose to stand as candidates for election shall apply to the Chairman of a municipality, or to the district or the sub-divisional officer, as the case may be, notifying, not later than one month before date of election, their intention to stand for election. The Chairman, or the district or sub-divisional officer, shall thereupon send through the public post—the charge to be a charge on the rates under the budgeted head of "election charges"—to each voter a list of such candidates, together with a ticket of election, to be presented at the polling station.

(*c*) A day shall then be fixed for the election of members. Such day shall be notified by beat of drum or otherwise, in the widest manner possible, and the voters shall also be informed of the hours between which, and the places at which, they are to attend to turn their votes.

(*d*) On the day so fixed, properly appointed officers are to be posted at each polling station. The hours of attendance shall be so regulated as to suit the convenience of the people. To secure efficient supervision, the services of sub-deputy collectors, school-masters, canoongoes, may be utilised, and at least two officers shall be told off for duty at each station, receiving fees for travelling, &c.

(*e*) Votes are not to be recorded by the clerk, but shall be by ballot.

(*f*) At each polling station there shall be placed a box with an opening, into which the voting paper will be put up by the voter in person. In all cases where the officer in

attendance has grounds to doubt the identity of the elector, he should adopt proper means to make sure of such identity before the vote is received.

(*g*) The personal attendance of each voter shall be insisted upon, and none shall be able to vote by proxy. Save—

(*h*) In the case of wealthy persons who may have been exempted from personal attendance in the civil courts by Government, the votes recorded in paper enclosed in an envelope duly sealed may be received.

(*i*) At the end of the day the box shall be opened by the Chairman of municipalities or by the sub-divisional officer, or by the district officers, as the case may be, and the papers sorted and arranged, and the candidate in whose favour the largest number of votes shall be given shall be declared returned for their respective wards or thanas.

(*j*) Within 24 hours after election a list shall be published containing the names of the candidates returned under rule (*i*), and such names shall afterwards be published in the *Calcutta Gazette*.

24. With reference to rule (*d*), I may observe that it would be well if selected officers were appointed to be present at the polling stations to see the votes collected.

25. There might be some difficulty in adopting a uniform rule for the taking of votes; it would certainly be more satisfactory and tend to prevent jobbery if each voter were required to return a written vote. I have therefore proposed, *vide* rule (*e*), that the votes shall be by ballot.

26. The next point which demands consideration is the question—what funds are to be made over to the local and the municipal boards? The district officer of Bhagulpore proposes to place at the disposal of the several boards one-third of the proceeds of the license tax, of the ferries and pounds; and as regards the Public Works cess, he would keep the funds wholly in the hands of the Provincial Government, and cast upon it the obligation of maintaining and constructing certain provincial works now done by the Road Cess Committees. The district officer of Maldah proposes that to each Municipal Board should be made over its license tax, pound and ferry receipts. The Public Works cess, the rest of the license tax and pound and ferry receipts he would hold as the reserve of the district fund by the controlling body for grants for requirements of each municipal and local board. My recommendation is that, to the municipalities should be made over the whole of the proceeds of pounds, ferries, and license tax derived from residents, and to the local boards should be allotted proceeds of pounds, ferries, primary educational and grants-in-aid moneys, embankment and drainage cesses, and also the proceeds of the road and half of the Public Works cesses, reserving the other half for provincial purposes, leaving license tax as a source of provincial revenue.

27. The subject of the creation of a controlling agency or board for each district is one on which the district officers of Maldah and Bhagulpore are unanimous. The latter, however, proposes that such agency should be constituted entirely of Government officials. I would, however, modify this proposal. If a district controlling board is to be established at all, it is essential that there should be introduced into it a sufficiently strong non-official element to satisfy the elected bodies. If budgets are to be submitted to, and passed by, such a board, and if it has to guide and hold in check the elected bodies now to be created, the people themselves should be represented. I would therefore constitute a controlling board at the head-quarters of each district, consisting of as many delegates as there are municipal and sub-divisional boards. The Divisional Commissioner and District Magistrate, together with the Superintending and Executive Engineers, to be ex-officio members. To such a board might be assigned the functions of supervision and the duty of enforcing the performance of such obligations as may be conferred on the subordinate boards by statute. They might with benefit be clothed with the powers of compelling the discharge of important public trusts on the part of these boards by such modes as may be legally open to them. In cases of grave misfeasance of duty, relief might be obtained by injunctions and orders from the civil courts under a simplified procedure.

28. It may be that in the opinion of Government a divisional controlling agency is unnecessary, and that such agency for individual districts may not be needed at all. If a controlling authority for the entire province be organized in the metropolis it will be sufficient. In such cases I would wish to place on record that great risk of extravagant expenditure will be run, and the supervision requisite cannot be exercised.

29. In paragraph 14 of the circular under reply, I am asked my opinion with regard to the limit within which the local boards ought to be vested with absolute freedom of action. In view of the fact, I have carefully considered that these institutions will enter on their career with no experience to guide them, and the experiment now being tried ought to be made with caution and watched with anxiety. I have also carefully considered the effect of restricting elected bodies to limited expenditure on any single work, such as the limit at present imposed on Road Cess Committees, which is up to Rs. 2,500, and I am of opinion that practically the best check is the budget system; and requiring these bodies to submit detailed estimates and plans for the scrutiny and opinion of the controlling board. By-and-bye larger powers may be given, but till these bodies have had experience, all expenditure should be budgeted and sanctioned. The control should be limited *not* to the *work*, but to the specification and plans.

30. As regards the constitution of a managing committee for the supervision of zillah schools, I agree with the proposals as embodied in paragraph 13 of your letter.

No. 97LF, dated Chota Nagpore, the 18th September 1882.

From—J. WARE-EDGAR, ESQ., C.S.I., Officiating Commissioner of the Chota Nagpore Division,

To—The Secretary to the Government of Bengal, Financial Department.

IN continuation of my No. 85LF of the 1st current, I have the honour now to submit the report on the general question of the extension of local self-government in this division, called for in your circular No. 5FM of the 5th July last.

2. Besides calling for written opinions from the local officers, I have had frequent discussions on the subject with the Deputy Commissioners of Hazareebagh and Lohardugga, and with many native gentlemen of both districts, both officials and non-officials. I have also consulted the gentlemen in charge of the Anglican and Lutheran Missions, who from their long experience of, and intimate acquaintance with, this part of the country are peculiarly well fitted to give an opinion on the question. All are agreed that no part of the division is at present sufficiently far advanced for the introduction of institutions like those described in paragraphs 6 to 13 of your letter under reply, that the people do not wish for any such measure, and that if it were forced on them the results would be mischievous and the measure itself highly unpopular. After anxiously considering the circumstances of each district and the arguments used by the gentlemen consulted by me, I have come to practically the same conclusion, and have had to give up a hope at one time entertained of being able to recommend the formation of experimental local boards in small and carefully selected tracts in each district.

3. All the gentlemen consulted by me consider that the great obstacle to the introduction of any measure of self-government in the greater part of the division is the race antagonism between the aboriginal people and the foreign element, which we know led to the separation of these tracts from the Regulation Province in 1833. More stress is laid on this point than even in the ignorance of all classes, and the total want of public spirit displayed by them. It is believed that it would be impossible to get members of the different classes to work together, while a board formed exclusively out of any one class would most certainly do what it could to injure the other classes. One non-official gentleman thoroughly acquainted with all the districts of the division went so far as to say that if we were to force the introduction of local boards, we should have to increase the military force stationed in the province, and a leading representative of the family of the Maharajah of Chota Nagpore told me that he expected such a measure would end in a renewal of the troubles of 1832. The Bengali gentlemen occupied in Lohardugga and Hazareebagh either as pleaders or in the service of Government, who are by far the best educated and most intelligent part of the native community, are also opposed to any attempt to form local boards here at present, and those who know Manbhoom consider that district almost equally unsuited to the experiment. It seems to me clear therefore that no part of the division can be placed in either class 2 or 3 of paragraph 8 of your letter of the 5th July.

4. The local officers, however, are not unanimous as to the powers to be entrusted to the district committees who would remain in charge of the districts. The Deputy Commissioner of Hazareebagh adheres generally to the opinions put forth by him when reporting on the subject last year, which were dealt with in my predecessor's No. 76T of the 4th January last, but he also considers that the lines laid down in paragraph 3 of your letter to the Government of India of the 8th April last might be followed in legislating for districts like his. The Deputy Commissioner of Manbhoom is of the same opinion. The Deputy Commissioner of Lohardugga would give a much more independent position to his district committee. He says—"Having then formed as strong a committee as the circumstances permit, I would in most respects treat it as a local board. The committee might safely elect its own chairman, the district officer acting as adviser and controller, subject to the central board. I recommend that provisional roads and buildings be made over to the committee, that special grants from provincial funds, equal to the whole public works cess for a period of five years at a time, be placed at its disposal until communications, &c., are as advanced as elsewhere in the province generally; that it have an Executive Engineer of its own; that the grant for primary education be withdrawn, and in its place the administration and proceeds of the license-tax made over to the committee, including the license tax paid in Ranchi Municipality." I am unable to agree with Mr. Power in his proposition that the chairman should be elected, and I find that the gentlemen consulted by me are of opinion that the Deputy Commissioner should be the executive head of the committee, which they think should be rather a council than an administrative body. The Deputy Commissioners of Hazareebagh and Manbhoom propose that there should be branch committees at Giridih and Gobindpore, presided over by the sub-divisional officers and subordinate to the district committees. Mr. Power thinks that the branch committee at Palamow should be practically independent of the district committee. I agree with him on this point, and consider that the sub-divisional committees of Giridih and Gobindpore should also be practically independent of the district committees, though, of course, controlled by the Deputy Commissioner. It would be desirable in all the committees of the division, whether district or sub-divisional, to allow members to give their opinions in writing without the necessity of attending meetings which is practically impossible for a great part of the year. If this were provided for, it would be possible to form committees composed of members taken from different parts of the district or sub division, though, as mentioned

in a previous paragraph, they would be in no way representative of any except their own classes. My predecessor has already reported on other points connected with the formation and renewal of the committees in paragraphs 4 to 12 of the letter of the 4th January last, and I have nothing to add to his proposals.

5. The Deputy Commissioners of Lohardugga and Manbhoom propose that the receipts from license-tax in their respective districts should be made over to the committees. I cannot support this. It would be obviously undesirable to make over the assessment or collection of the tax to the committees, looking to the local conditions above described, and there does not seem to be any special reason for making over the receipts of this particular tax. On the other hand, if the provincial roads are to be made over to the committees, it would be well to make over the whole of the public works cess and probably an additional grant to each district. The roads throughout the division are very bad. It is not too much to say that, taken as a whole, it is worse off in the matter of communication than any part of Bengal or Behar, and no doubt its backward state in other respects is, in a great measure, owing to this want. I have no doubt that more progress would be made in road-making by the district committees if they had funds at their disposal than has been made by the Public Works Department. It seems probable that the people of the division would take some interest in the work, and their being consulted and allowed an influence in the matter might tend to train them to take a share in other branches of local administration.

6. The Deputy Commissioners of Lohardugga and Manbhoom advocate the maintenance of the existing unions in their districts on the ground that they may serve to educate the inhabitants in local self-government. I confess that I have not much hope of this from unions as constituted under Act V of 1876. There is, no doubt, a punchayet provided in the Act, but the amount to be raised and the manner in which it is to be expended is fixed by the Magistrate, and, as a general rule, the entire administration is practically in the hands of the subordinate appointed under section 345, unless when the union happens to be the head-quarters of the sub-divisional offices, or of a moonsiff with powers of a Magistrate as at Lohardugga and Raghoonathpore. If the unions are to be kept up, I should give the punchayets far more power than they have now, allowing them considerable control over the funds at the disposal of the unions, and making any officer employed therein subordinate directly to them. The district officer would have to exercise considerable supervision over them at first, but they would, in backward districts like those of this division, correspond, within the union areas, in some respects with local boards in more advanced districts. Such unions would differ from municipalities in having less power of taxation and of interference with the people, and they should be allowed a liberal share of the local district revenue in addition to the amount raised by taxation under the Municipal Act. I believe that it would be easier to introduce the principle of election into such unions than into many large towns, and the punchayets, whether nominated or elected, might select their own headmen from amongst themselves.

7. I annex copies of the reports received from the district officers.

No. 168LT, dated Hazaribagh, the 22nd August 1882.

From—MAJOR E. G. LILLINGSTON, Deputy Commissioner of Hazaribagh,
To—The Commissioner of the Chota Nagpore Division.

WITH reference to your No. 153T, dated 11th ultimo, forwarding circular letter No. 5FM of the 5th idem, from the Government of Bengal, on the subject of local self-government, I have the honour to state that I reported on this subject as far as it concerns the municipalities of this district by my No. 162LF, dated 10th instant. I beg now to submit my report on the subject, as it concerns the district generally.

2. The points mentioned in the printed letters and resolutions have had my special consideration, and I have consulted as many native gentlemen with local knowledge as I could. I also convened a meeting of European and native gentlemen on the 19th instant to assist me in considering the question.

3. The only conclusion I can come to is that there is not within this large and sparsely inhabited district any intelligent non-official agency which would enable me to select any such rural areas as described in the Government of India Resolution, where local boards could be maintained. The rural population is almost exclusively agricultural, and for the most part uneducated.

4. The landholders are also mostly uneducated, unintelligent, and improvident. Perhaps it will be considered sufficient to point to the Encumbered Estates Act under which eleven embarrassed estates are being managed with a view to relieving them from the burden of debt under which they have been brought by the carelessness, improvidence, and extravagance of their owners or their predecessors, in order to shew that this district is not advanced enough yet for the introduction of the scheme in its entirety.

5. I therefore consider that this district should fall under class I, as mentioned in paragraph 8 of the Bengal Government letter received with yours under reference, having a district committee at head-quarters and a branch committte at Giridih, the sub-divisional head-quarters, subordinate to it, presided over by the sub-divisional officer.

6. As regards the question of the formation of the district committee and the powers to be given to it, I have nothing to add to my previous report on the subject, No. 203LF, dated 1st December 1881, except that, after reading paragraph 3 of Sir Ashley Eden's letter No. 921½, dated 8th April 1882, it appears to me that the district committee need not be so large as I at first proposed, as there will not be any necessity for forming a sub-committee.

7. The district committee here must, in my opinion, be presided over by the district officer. As the district is not far enough advanced for the introduction of the elective system for this committee, and, moreover, as the sub-divisional officer will preside over the sub-divisional branch committee, he could not well be made subordinate to any other than the district officer as chairman of the district committee.

8. The arrangements proposed in paragraph 3 of Sir Ashley Eden's letter referred to in paragraph 6 above are, as you have remarked, very suitable as the basis for that portion of the projected law which will relate to such districts as this.

9. With reference to paragraph 14 of that Bengal Government letter and paragraph 6 of your letter under reference, I beg to refer you to my previous report, No. 203LF, dated 1st December last, regarding the powers to be exercised by the district committee and the various departments which should be made over to its management.

No. 1318Cr, dated Ranchee, the 25th August 1882.

From—A. W. B. POWER, ESQ., C.S., Deputy Commissioner of Lohardugga,
To—The Officiating Commissioner of the Chota Nagpore Division.

IN continuation of my No. 595R, dated 18th ultimo, I have the honour to submit herewith the further report called for in your No. 153J, dated the 11th ultimo.

2. Enclosed is a copy of the report furnished on this subject by the Assistant Commissioner of Palamow. In writing my own I have had the advantage of consultation with several gentlemen of experience, both European and native

3. It is our unanimous opinion that no fairly representative local board *which would work* could possibly be formed in this district at present, all the arguments urged by the Assistant Commissioner of Palamow in respect of his sub-division apply with even greater force to the head-quarters sub-division. Two pergunnahs of Palamow indeed are far more advanced than any other part of the district, viz., Beloniyah and Jupla, which were transferred from the regulation district of Gya in 1871. These contain a fair sprinkling of persons educated in the vernacular, but then they are so far from the sub-divisional head-quarters, and so utterly cut off in the rains by unbridged torrents, highly dangerous to cross even in boats, that pratically they may be left out of the question.

4. As in Palamow so at head-quarters our committees consists almost exclusively of aliens, Europeans, Beharis, and Bengalis; there is not among them all a single member who is an aboriginal native of the district. Some few there are whose extraction may be remotely connected with that source, but for generations they have assimilated themselves with the habits and religious observances of Hindus, so that between them and the bulk of the population there is almost as great antagonism as in respect of other aliens. These persons are descendants of the old chieftains, who under our *régime* have become deeply involved in debt, and whose property is rapidly passing into the hands of immigrant mahajuns, and this not through any change in their own habits, but simply because the rate of interests which was nominally charged when there was no security continues by force of custom to be entered in obligations, even though the courts established by us have conferred on the mahajuns the power to sell up landed property in satisfaction of their claims—a practice altogether unknown till comparatively quite recent times.

5. We have therefore an impoverished and (except in cases where the benefits of the Encumbered Estates Act have been conferred on individuals) a decaying aristocracy. Whatever good feeling used to exist between them and their tenants, has, to a great extent, been destroyed owing to their attempts to satisfy the exactions of mahajuns by levy of "benevolences" under one form or another from the ryots. In their place we have an immigrant mahajun class whose money is invested in land as a pure speculation; a third class consists of alien grantees of land imported by the Maharajah and his vassals while they were undergoing the Hinduising process. These men and their descendants form the class known as "elakadars," and are fully described in the statistical account of Bengal, Volume XVI, pages 370 to 375.

6. There could scarcely be a more complete parallel between any two countries than between Chota Nagpore Proper and Ireland. Members of the Maharajah's family represent the Irish tribal chieftains; our presence here is the conquest of Henry II; the Kol rebellion of 1832A.D. was suppressed just as the Irish rebellion was by Elizabeth; the "elakadars" are the Englishmen of the Pale, and coming to later times the mahajun class is almost identical with purchasers of encumbered properties on the Landed Estates Court. With such incongruous elements it is hopeless to govern by means of free institutions until a very advanced stage of enlightenment has been reached. But we are yet in cimmerian darkness, and the foundations of material progress have even yet been scarcely laid. Is there any probability that a system of partial representation which has been such an egregious failure in Ireland will prove any better in a country like Chota Nagpore? A Government at once strong, impartial, and just can keep the peace between parties divided by race antagonism, one of

which repays with hatred the contempt of the other, it can do so with ease when dissentions are avoided, but the task would be infinitely greater if every opportunity be given for exciting them, and Government is then called in to calm the storm it helped to raise.

7. This district is therefore one which contains no sub-division in which a local board can be formed. But as regards Palamow sub-division I think the Branch Committee there should be practically independent of the District Committee. Palamow differs in many respects from Chota Nagpore Proper, so much so that it is difficult to work the two sub-divisions on similar lines. The time is coming when it *must* be a separate district, and the sooner it prepares for the change the better.

8. I need hardly say that no part of the district is yet ripe for the elective principle in the selection of members. Lists have been prepared shewing persons who pay Rs. 25 road cess and Rs. 20 license-tax and upwards, and those who pay less than the above, but either Rs. 10 road cess or license-tax and upwards.

The totals are :—

(1)	Persons paying	Rs. 25 road cess and upwards ...	... 345	1st.
(2)	,,	Rs. 20 license-tax and upwards ...	... 171	
(3)	,,	Rs. 10 road cess and less than Rs. 25	... 697	2nd.
(4)	,,	Rs. 10 license-tax and less than Rs. 20	... 447	

In class (1) I can find the names of 16 persons only who belong to the purely aboriginal classes, and nine of these in one thanah not on the plateau. Several of them are no longer in possession of their estates, but their names appear on the registers because the superior landlord declines to recognise the transferees as his tenants. In class (2) there is one aboriginal name ; in class (3) there are 31 (20 in one thanah, and all but four in the five pergunnahs below the plateau) ; in class (4) there are two only. The great bulk of the population would be unrepresented, and power given to classes whom the aborigines not so long ago sought to exterminate, and whom they would gladly get rid of now if they only could.

9. Even with Government nomination it will be difficult to select a committee to whom administration powers might safely be entrusted. At this moment I can think of three persons only whom I consider fitting representatives of the old aristocracy their homes are 60, 50, and 30 miles from Ranchee respectively, and two out of the three are proprietors of estates so encumbered with debt that they have been sequestrated temporarily under Act VI of 1876. However eligible they may be as corresponding members of a committee at Ranchee, it is obvious that they will not incur the heavy expenses of travelling these long distances over the unbridged bridle paths to attend periodical meetings. There is no lack of representative mahajuns, but though elakadars are tolerably numerous, very few are enlightened enough to see beyond their own selfish interests. Unless, therefore, the alien element is admitted, no committee can be formed with any chance of success.

10. Having then formed as strong a committee as the circumstances permit, I would in most respects treat it as a local board. The committee might safely elect its own chairman, the district officer acting as adviser and controller subject to the central board. I recommend that provincial roads and buildings be made over to the committee ; that special grants from provincial funds, equal to the whole public works cess for a period of five years at a time, be placed at its disposal until communications, &c., are as advanced as elsewhere in the province generally ; that it has an Executive Engineer of its own ; that the grant for primary education be withdrawn, and in its place the administration and proceeds of the license tax made over to the committee, including the license tax paid in Ranchee municipality.

11. Regarding the control to be exercised by Government, it appears to me that besides the points enumerated by the Government of India and Government of Bengal respectively, a limit should be placed in the committee's power of creating and endowing new appointments, and this whether the committee be an elected municipal or a nominated district one. Some check should also be devised for securing the proper tender and acceptance of contracts ; the regular application of funds placed at the committee's disposal to the purposes contemplated by Government for regulating the amounts which may be contributed to other committees or to local boards of adjoining districts for works of common utility ; the power to meet excess expenditure under one head of the estimates by transfer of funds from another (in this respect a wide discretion should be allowed to committee, but some control is advisable) ; for disallowing unreasonable withdrawal of grants-in-aid towards education and medical relief, and for discouraging any tendency towards adopting a retrogressive policy in the matter of sanitation. It would be premature to enter into details on these subjects until it is decided what form of local self-government is to be introduced here.

12. Mr. Renny is strongly in favour of retaining the unions in his sub-division, and in the main I agree with him. Daltongunge is the sudder station of Palamow sub-division ; the union at present contains three purely agricultural villages ; these should, I think, be eliminated, leaving the station itself to be managed by a section of the sub-divisional branch committeee. Gurhwa is the largest trading centre in the whole district not even excepting Ranchee itself. Lohardugga is also an important trade depôt in these towns ; the agricultural element is practically untaxed ; I would therefore retain them all and encourage the tax-payers to prepare themselves for representative institutions.

No. 233J, dated Daltongunge, the 8th August 1882.

From—R. H. RENNY, Esq., Assistant Commissioner, Palamow,
To—The Deputy Commissioner, Lohardugga.

I HAVE the honour to submit the report called in the Bengal Government circular No. 5FM, dated 5th ultimo, received under cover of your memorandum No. 1142Cr, dated the 9th idem.

2. Paragraphs 1 to 5 of the circular deal with matters concerning municipalities, and I have in my letter No. 218J, dated 26th ultimo, informed you that no such institutions exist in this sub-division.

3. I am afraid I misled you with opinions expressed by me in my letter No. 949, dated 29th November 1881; but as stated at the time, I wrote that letter in great haste and before I had time to consider the subject,—a subject as pointed out by Government full of difficulties arising from the fact that the experiment is entirely an innovation, foreign alike to the genius and instincts of the people, and to the system of rule which has obtained since the British power was established here—in other words, the system requires, that we should, if we adopt it, expect capacity for self-government from a people only partially civilized, and who before we became their masters were mere slaves of despotic Rajahs and Chieftains, who never possessed a will of their own and who ever since the British became their ruler, have had but very limited educational opportunities offered them, and who, from the isolated situation of the country, have had no intercourse with the civilized world; such a people, it must surely be admitted, are not ripe for taking upon themselves self-government, no matter how limited its scope may be.

4. From paragraph 8 of the circular I find that the districts of Singbhoom, Sonthal Pergunnahs, and the Chittagong Hill Tracts have been exempted from the scheme I am personally acquainted with two of the above districts, viz., Singbhoom and the Chittagong Hill Tracts, for I have served as Deputy Commissioner in both, and I respectfully beg to urge that whatever may have been the reasons for exempting them, I feel certain the same reasons would apply with equal, if not greater, force to Palamow.

5. One of the chief features of the scheme, so far as I have been able to understand it, is the elective system. On this subject His Honor the Lieutenant-Governor, in paragraph 10 of the circular, says:—"In considering the applicability of this system to any tract, it will be necessary to recollect that in the promotion of local self-government the object chiefly aimed at is the political education of the people, *and obviously political education should succeed and not precede education in the ordinary sense of the term.*"

6. I have italicised the concluding sentences of the paragraph as I consider that the opinion expressed in the words italicised apply with great force to Palamow, where, as pointed out in paragraph 3 of this report, the people are all but totally uneducated.

7. Palamow is not a district, but merely a sub-division of the Lohardugga district. This may possibly be our reason why it has not been excluded from the scheme, and my sanguine report above alluded to may also have had something to do with its inclusion; but I would point out that though it is a sub-division nominally, it is in area 4,260 square miles, and its head-quarters are situated 110 miles from the sub-division. I make mention of these facts it order to shew that it cannot conviently be included in a district under any of the three classes set forth in paragraph 8 of the circular. My reasons for saying so are—

(I) It being a sub-division of the Lohadugga district, it cannot be included in a district under class I. (II) That if included in a district under class II, it would come under the category of a district with a sub-division in which a local board cannot possibly be formed; but then even it would be impossible to form in it such a committee as would correspond to a branch committee under the existing Cess Act; and (III) for the reasons given against class II, *i.e.*, impossibility of forming a local board, it cannot be included in a district under class III.

8. The only possible classes of districts in which the sub-division could be included would seem to be classes II and III; but I have stated above that it would be impossible to include its in either of these classes. My grounds for this opinion are:—(*a*) There are very few people of the country who have had any education at all; the little they know being limited to indifferently reading and writing an ungrammatical jargon which they call Hindi, and that therefore from an educational point of view they are unfit to be either the electors or the elected; (*b*) that most of these few persons are residents at too far a distance from the head-quarters of the sub-division to render it convenient for them to come in to attend meetings of a board; (*c*) that from absence of intercourse with the outer world and the secluded life they have been accustomed to live in the jungles, where their own domestic affairs are all that concerns them, the people are unfitted to transact public business.

9. I have stated that it would be impossible to form such a committee as would correspond to a branch committee under the existing Cess Act. I must here explain that the existing committee under the Cess Act, and in fact all other committees in Palamow, would have collapsed at the very outset, had not it been that the members number a sufficient proportion of foreigners, *i.e.*, European and Bengali gentlemen, to whose interest alone in the matters connected with the several committees must be attributed the work done, for with the exception of an individual member or two attending occasionally, all the other members who are natives of Palamow have been conspicuous by their absence.

10. In my report No. 949, dated the 29th November 1881, I nominated a board consisting of 20 members; but persual of my list will shew that out of those nominated—

9 are officials (two Europeans, six Bengalis, and one Behari);
11 non-officials (one Enropean, two Bengalis, and eight zemindars and merchants of Palamow).

Such a board could hardly be styled a local self-government board, for in reality the majority of the members would be foreigners to the country and people. What Government require, as I read the resolution of the Government of India, is that boards should consist mainly of the people of the country over which they are to exercise self-government, and not principally of people of different nationalities, such as Europeans and Bengalis, nor of majority of persons in the service of Government.

11. It has been my most earnest desire to try and give effect to the wishes of the Government of India on this most important subject, and in order that there may be no mistake in the opinion arrived at by me, which were come to after very deliberate consideration and with a three-years' experience of the people under my charge, I took into my council most of the best informed people in my sub-division, and one and all are agreed that the scheme for local self-government is altogether far too advanced for a backward part of the country such as Palamow. I may here add that in order that the views of Government may not be misunderstood, I had the different resolutions translated and had them perused by the native gentlemen of the country whose opinion I sought.

12. If, after consideration of the above report, it is still considered desirable that the scheme should have a trial, this can only be done by admitting foreigners, both officials and non-officials, as members of the local board or committee. If foreigners, both Europeans and natives of India, are to be allowed, we might as well have a local board as a committee, as then competent members would be forthcoming. It will be still necessary to nominate and not elect the members, because even that moderate average of intelligence and knowledge among electors which is required in order to secure a high average of intelligence amongst representatives is wanting here. Again, out of a population of 484,822 people, there are very few who possess the very limited qualifications for voters proposed by His Honor the Lieutenant-Governor in paragraph 10 of the circular. Annexed are lists shewing the names of persons who are eligible as members and voters under the qualifications set forth in paragraph 10. In using the expression eligible I mean duly qualified; but I am very doubtful how many if any of those mentioned in the lists are qualified to serve, as members who reside at a greater distance than five miles from the head-quarters would consent to serve in the board. My own experience of the people leads me to infer that none would do so unless well remunerated for the trouble, and remuneration is out of question in Palamow, where, under the most favourable circumstances, the fund that would be at the disposal of the board would be very limited and incapable of bearing any such strain.

13. The lists annexed contain the names of persons qualified principally when judged from the amounts of road cess and license tax paid by them or the value of their income from sources other than that derived from land; if the educational qualification of these persons be enquired into, I am afraid over two-thirds of them would be found disqualified. I lay stress on these circumstances as it appears to me that His Honor the Lieutenant-Governor particularly desires that both the electors and the elected should possess a fair amount of intelligence and some knowledge of local affairs, whereas, if put to the test, I am confident that not one in ten of the persons entered in the list would be found able to read and write or shew the slightest knowledge of local affairs. It is a startling fact, but nevertheless a true one, that though Palamow can shew a fair list of well-to-do persons, no more than one or two take the slightest interest in matters not immediately connected with their domestic concerns. I know most of the well-to-do persons personally, and I am only aware of one who takes a newspaper.

14. The summing up of my report shews—(1) that judged from every standpoint, Palamow is utterly unfit to be included in the local self-government scheme, for its people are uneducated and semi-civilized, and even the elders amongst them are hardly a stage better; (2) that unless foreigners are admitted, and that too on a large scale, it would be impossible to form a board or even a committee corresponding to the present branch committee under the Cess Act; (3) that if there is no objection to foreigners being admitted, it would be preferable to have a board to a committee, and to include the sub-division under the third class of districts as set forth in paragraph 8 of the Government circular; (4) that if such a board be sanctioned, it would be permitted to elect its own chairman, who should be some one other than the sub-divisional officer; and (5) that the members of the board should be appointed by Government and not elected.

15. I am of opinion that under no circumstances whatever should the two unions in the sub-division, viz., those of Daltongunge and Garhwa, be abolished. The unions are doing excellent work, and it is solely owing to the sanitary measures carried out in them that they at least, if not the sub-divison generally, can boast of having been free from epidemics of such scourges as cholera and small-pox for so many years. If the unions are abolished there will be no funds for carrying on the excellent sanitary measures now in vogue, and those two towns will, as a necessity, revert again to their old condition of hot-beds of filth and sickness. Of course if Government are prepared in a poor place, such as Palamow is, to supply us with sufficient funds for sanitary improvement purposes, then, but only then, can we afford to abolish our unions.

16. Considering as I do that Palamow is altogether too backward a country for extending the scheme of self-government to, I have not entered upon the questions raised in paragraphs 12, 13, and 14 of the Government circular, nor have I, for the same reasons, nominated persons for a board or committee. I am, however, ready to do so at a moment's notice, should my ideas of the manner in which such board or committee should be constituted be approved.

17. I beg I may not be considered as one who has preconceived ideas against the scheme of local self-government, for I have not. To me personally it would be an advantage if the scheme was a feasible one and could be put in force, for I have an immense charge with more work than I can properly attend to. If therefore a board could be constituted which would relieve me of work connected with primary education, road cess, license tax, &c., I should be most thankful, but I am here in a responsible position, and I consider I am in duty bound to lay such facts as I am acquainted with, together with my own free and unbiassed opinion, before my superiors in order that they may judge how far I am right or wrong; and this I have striven to do in this report.

No. 189L, dated Purulia, the 1st August 1882.

From—A. L. CALY, Esq., Officiating Deputy Commissioner, Manbhoom,
To—The Commissioner of the Chota Nagpore Division.

YOUR No. 153T of 11th ultimo, with annexures.

Paragraphs 2 and 3 of the above letter have already been replied to by my No. 186L, dated 28th ultimo.

2. As regards your paragraph 4 (paragraph 8 of the Government circular), Manbhoom will probably fall into the first class of districts. The only sub-division is Govindpore, where there is no municipality nor even union—Govindpore itself is chiefly important as being the head-quarters of the sub-division. It is no great centre of trade, and the residents have hitherto shewn no signs of possessing the intelligence and public spirit that must be insisted on as indispensable qualifications for members of a local board.

3. Under the new arrangement, then, Manbhoom would be placed in charge of a district committee at Purulia, with a branch committee at Govindpore subordinate to the district committee and presided over by the sub-divisional officer.

4. (Paragraph 9 of the Government circular). Elective institutions not being considered suitable even for the Purulia municipality, cannot be recommended for the district committee the members of which should be appointed by Government on the local officer's nomination. The chairman must be the district officer, if for no other reason, because it would be, to say the least, inconvenient to make the sub-divisional officer in any capacity subordinate to any one else.

5. (Paragraph 12 of the Government circular.) The arrangements proposed in paragraph 3 of Bengal Government letter No. 921½ of 8th April last, would, as you say, probably form a convenient basis for that part of the new law which is to be made applicable to backward districts. The question of what functions should be entrusted to the new committees is dealt with in that paragraph, and has already been reported on in paragraph 3 of this office No. 44T, dated 13th December last. In that letter it was said that the district post forming, as it now does, part of the imperial postal system, should not be made over to local control. It is noted that the Bengal Government letter also does not mention it as one of the matters to be dealt with by the new committees, whose functions are limited to the supervision of local communications (including staging bungalows, serais, ferries, &c.), certain public works, education, and medical relief. Village sanitation is not specially mentioned, but was perhaps meant to be included in the list.

6. For providing the means of conducting local officers as indicated above, it is recommended that the receipts noted on the margin, estimated to aggregate some Rs. 88,000, be made over to the district committee. Education being very backward in these parts, the committee should be further empowered to raise a rate for primary and middle class schools from the inhabitants of all towns and villages containing not less than a certain number of houses: experience has shewn that, except under pressure, the people generally will not support schools.

	Rs.
Road Cess	32,176
Public Works Cess	32,176
Circuit-house and staging bungalows collection	50
Pound collection	3,200
Serai	3,500
Ferry	1,400
Union	2,500
License tax	13,000
Total ...	88,002

7. All Government grants for educational purposes should be under the committee's control, which would also extend to all funds belonging to dispensaries and other charitable institutions outside the municipality.

8. Considering the backward state of communications, education, and sanitation in this district, it will not probably be found that the above allotment of funds will be at all in excess of local requirements. Manbhoom has a heavy mileage of roads to keep up, and contains besides many unfinished lines commenced in famine time and abandoned when relief works were stopped. The early completion of these and the construction of new lines would greatly benefit the district, and it seems only fair that the whole of the cess locally raised should be spent for local purposes. The license tax is not very productive in

Manbhoom. If Government cannot make over the whole of this, the committee's share should certainly not be less than half.

9 (Paragraph 13 of Government circular.) As no local boards are proposed for this district, it seems that the abolition of the Raghunathpore and Jhalda unions is not desirable. The funds raised in these unions are locally very useful, and if for no other reason they may be kept up as a sort of preparatory schools for educating the people in local self-government. Representatives from each of these unions should serve on the district committee, which should also comprise intelligent residents of other important places in the district. The experience gained by these representatives or delegates in working with the district and sub-divisional commitees at head-quarters might help to qualify them for service on local boards in their own villages in future.

10. (Paragraph 14th of the Government letter.) Under the above arrangements, the new district and sub-divisional committees would be practically an amalgamation of existing road cess, school, and dispensary committees with enlarged functions. They would still be under direct official control, and it seems neither necessary nor convenient that they should have any connection with a central non-official body like the local Government board, the duty of which would apparently be to control the proceedings of local boards in more advanced parts of the country.

No. 594G, dated Chittagong, the 18th September 1882.

From—E. E. LOWIS, Esq., Commissioner of the Chittagong Division,

To—The Secretary to the Government of Bengal, Financial Department.

WITH reference to your circular No. 5TM, dated 5th July 1882, on local self-government, I have the honour to report that previous to the receipt of the resolution I had, in anticipation of some further action being taken in the direction of extending local self-government, addressed the district officers demi-officially, and desired them to take steps to ascertain popular feeling in the matter as so that they might be ready to report on the subject. My instructions were followed, and I have been favoured with a very full expression of the opinions of my subordinates on the points raised—opinions founded on careful investigation into the state of popular feeling on the subject.

2. The unanimous opinion of the district officers is that this division must be placed in the first class alluded to in paragraph 8, viz., as being one which contains no sub-division in which a local board can be formed. This is not only their individual opinion but is that entertained by those whom they have consulted, and is one shared by myself as well as every person with whom I have conversed on the subject.

3. As a specimen of the view taken by an intelligent native, I give an extract from a letter written by the Chairman of the Branch Road Cess Committee of Muradnagar, district Tipperah. He writes as follows: "I now take this opportunity of submitting a more detailed statement on the same subject. In paragraph 6 of the resolution of the Government of Bengal, in which it is proposed to give the fullest and the fairest trial to the introduction of local self-government in this country, it directs that a tentative and patient procedure in its introduction should be observed wherever the new policy is to be inaugurated. So far as I know of the mofussil organization of this district, I fully believe that this tentative and patient procedure should be observed in the case of Muradnagar. The scheme which the Government have laid down, though, on the one hand, one of every great importance, and is conceived in a most liberal and beneficent spirit, is, I think, too comprehensive and of wide scope to the agricultural population who inhabit the small circle of Muradnagar. And I do not think that the Government intend a hasty introduction of its views among a class of people who are yet far behind the general refinement and culture which the Government make a pedestal of upon which to construct its superstructure of permanent local boards to ensure solid and permanent results. Of course the Government do not wish to thrust upon the people an undue share of the administration of public affairs, simply because it evinces a sanguine desire to introduce a novel policy among a class of people whose genious and instincts, as its calls them, are foreign to it. The people themselves should evince an equally sanguine desire, and their desire must be commensurate with their education, culture, and general training to refined and enlightened views and ideas. The question then is, have the people (I am speaking of the people residing in and out of Muradnagar circle) received that education, cultural and general training which would precede political education? I would answer this question in the negative. There may be persons who are, at the first moment, heated with a passion as it were, at the idea of a political enfranchisement, not fully knowing the extent of responsibilty and self-sacrifice which are conditions precedent to the successful fulfilment of the charge entrusted to them. It is one thing to be led away by specious protests and bauble schemes, and quite another thing to meet manfully public questions of a profoundly public character in a trully sympathetic spirit and boldness. Few among them will patiently stand by and work amidst jealousies, class party, ill-feelings, and troublesome public criticisms for the sake of the work alone, and nothing which interests them more vitally. It has struck the Government of Bengal that if the members are unwilling to travel a few miles at their own expense, it is not probable that any of them will agree to undertake the labours and responsibilities of the chairmanship without remuneration. I should remark that this observation equally applies to a member of the local board also.

I say this somewhat from actual experience. How often have I marked the repeated absences of the members of this committee who are generally accepted as well-to-do gentlemen, and utter regardlessness and apathy of a few more in its affairs. All this I would attribute to the paucity of general education and enlightenment. Men therefore who lack in the first rudiments in this political arena, are not fit for independent and absolute dominion over the affairs, not only of their own, but of those who are helpless to carry their own burdens. As for the mass of the people whose voice in the self-government system the Government is anxious to secure, I would agree with you in saying that they are chiefly agriculturists who take no interest in anything outside their own jute plantations and rice-fields and occasionally harassing law suits with their landlords and neighbours, led about by sharp pettyfoggers and avaricious brokers."

4. The inhabitants of this division are Mahomedan agriculturists who have no political aspirations whatever, who do not know what self-government means, and whose ears the echo of the present movement has not yet reached so as to stir within them any desire to change the existing order of things. The subject has, it is true, attracted attention in the civil stations and amongst the educated classes; but even there it has been taken up and discussed mainly by the pleaders, amlah, and other educated men who are mostly Hindoos, and very often inhabitants of other districts, while the people themselves. I am bound to say, have not evinced the slightest interest in the matter; and I feel sure that any attempt to thrust the system on the villagers in the interior who are not yet ripe for the change would only be to court failure.

5. But although I do not consider that any scheme of local self-government can be introduced at present in the interior, I hope the day is not far distant when an interest in such matters will have been awakened, and I feel sure that much may be done to hasten such an awakening by persistent endeavours to develop the punchayet system. It seems to me quite possible, as vacancies occur in the village punchayets, to arrange to have places filled by election; gradually to get the members of punchayets to take interest in carrying out local improvements; and so by degrees to induce a sense of responsibility and capacity for self-government. It would be far better thus to train the people themselves to undertake the duties we wish them to assume, than to thrust on them a system for which they are not as a body prepared.

6. The village punchayets are, I admit, beginning to make themselves felt; and though as I have noticed in my annual Police Report, some of the district and sub-divisional officers complain of their interferences as mischievous, it is a sign of vitality amongst the agricultural population that is not without significance. But granting this, I am still of opinion that nothing in the immediate past of the history or traditions of the people has tended in any way to awaken the spirit which we now wish them to exhibit, and we must be content to limit our efforts to fostering any indications towards such an awakening, and to wait patiently for the result of our labours before we can expect the people at large to undertake intelligently the responsibilities we desire them to assume. Until we can feel sure that some considerable portion of the people respond to the invitation to take on themselves the cares of self-government, our advances must be cautious and guarded, and we must be careful not to be carried away by the enthusiasm of the educated few, who in some cases cry out for the bestowal of functions the proper discharge of which they have not always considered. As regards the rural portions of this division, I am clearly of opinion that the time has not come for the extension to them of the scheme set forth in the Government resolution. In some of the towns it may be otherwise, though even there, in extending self-government to certain municipalities we will be following the recommendations of the few and not the expressed wishes of the many or even of a considerable minority.

7. As directed in the Government letter, everything has been done to ensure publicity being given to the proposed scheme. The requirements of the law also have been made known, and the advocates of free election personally warned that a petition signed by at least one-third of the rate-payers praying for the introduction of the elective system should be presented. Up to date, however, no petition has been presented, and I have been asked to accept in place of it the expression of opinion embodied in the resolutions drawn up at the public meetings held to discuss the question. A native gentleman of Chittagong expresses the general feeling of the promoters of the scheme when he writes: "If it (the presentation of a petition) be insisted on, no mofussil municipality would ever have elective system. Apart from the humiliating and troublesome task of going round to the rate-payers and voters for the purpose of obtaining signatures of one-third of the whole number to the petition, the difficulty to be experienced in obtaining signatures is very great."

8. The fact appears to be that the mass of the rate-payers do not care the snuff of a candle for the elective system, the only persons who have taken up the cry being the educated minority. I was present at the meeting held to discuss the question in Chittagong, and was struck by the total absence of all respectable Mahomedans. There were some of the lower class Mussulman population present, who had evidently been drawn there by curiosity, but the respectable portion of the assembly and those who spoke during the discussion were Hindoos. This is remarkable, for Chittagong is a Mahomedan district, and there are, I know, in the town several respectable Mahomedan zemindars and traders, whom I certainly expected to see, supposing the movement to have been a popular one.

9. I gather from the district reports that the same thing happened at Noakholly and Commillah, and this, coupled with the inability of the promoters of the scheme to obtain

signatures to a petition as required by law, leads me to suppose that the movement is confined to a minority which does not represent the public. Ignorance as to the proposal to hold the meeting could not be pleaded here, for printed notices were issued announcing the date, hour, and object of the meeting, so that those who absented themselves must have stayed away purposely, possibly sharing the feelings of the native merchants who when questioned by me declared that things were very well as they are.

10. The opinion of the English-speaking class is, however, in favour of the introduction of the elective system into the municipalities of Chittagong, Noakholly, Commillah, and Bramunberiah, and though they seem to have failed in carrying the rest of the community with them—I presume in deference to the wishes of the educated inhabitants,—the elective system will be introduced.

11. If this change in the manner of selecting members be adopted, I do not anticipate much change in the *personnel* of the committees, for I take it that the persons who have taken an interest in this movement will be able to get themselves nominated as members of the future municipal committees, and in that case the existing committees will remain very much as they are, with the exception possibly of one or two Mahomedans being excluded. These are, as I have said, entirely Mahomedan districts. The various committees are, however, composed to a great extent of Hindoos, and this state of things is likely to continue even under an elective system, for, as I have noticed, the educated Mahomedans here do not seem to identify themselves with the present movement, and unless they can be induced to do so, we will most assuredly have a government of the majority by members of the minority. I have discussed the question with some of the leading Mahomedans here, but find it difficult to combat what appears to be the general impression amongst this community that the present is only another means of throwing power and emoluments into the hands of the Hindoos.

12. As to the funds to be placed at the disposal of the several municipal committees, I do not consider that they can do more than administer the amounts raised by municipal taxation, for I do not advocate the charge of the public buildings being made over to them, nor that of the Government schools. Certainly, as regards Chittagong, it would not be desirable to place the Government school under the municipality, as that body have already got a school of their own which is a rival to the Government institution.

13. A suggestion has been made to make over the assessment of license tax to local bodies, or to invest them with power to levy taxes; but it seems hopeless to expect any assistance in this direction so far at least as the Municipal Commissioners in this division are concerned, for this power is one which they have no wish to be invested with. One point on which all are agreed is that any attempt on the part of a local body to levy a tax must soon render the measure unpopular, and it is quite clear that though the members of a municipality may undertake the responsibility of expending money provided for them by Government, they will not undertake to incur the odium of raising funds.

14. The question of the advisability of paying the members for their services has been raised in the resolution and caught up by those who have addressed me on the subject. One gentleman writes: "It would be better to make the chairmen stipendiary officers in order that they may be induced to take more active interest in the administration of the funds." Another says, the people of Chittagong have not yet learnt to work for the good of their country from disinterested motives; they will do nothing unless it brings some pecuniary advantages to them. In these opinions as to the necessity for paying members I cannot concur. The duties of the members of any municipal committee in this division will be light, and there appears to be no necessity for making the posts salaried ones.

15. As to the appointment of chairman, the wish of those who attended the meetings held to discuss the subject and who represent the class from whom the members of committee will be elected, seems to be that the committee should be allowed to elect their own chairman and vice-chairman, and this I see no reason for refusing, for unless the whole thing is to be a farce, it is necessary that these local bodies should be absolutely free in their deliberation and should not be fettered even by a semblance of official interference. The chairman thus elected will of course have a vote.

16. The qualifications for membership have been freely discussed, and a wish has been expressed that the standard should be made as low as possible, and also that all pleaders, members of the professions, and all graduates should be eligible, whatever their income or interest in the town. In this I cannot concur. Those who are to manage the local funds must have some personal interest in the town; and I would recommend the adoption of the test of qualification mentioned in paragraph 10 of the resolution. As regards the voters, the case is different, and I think the test in their case should be a low one. Various suggestions have been made regarding these, but the most feasible idea seems to be to fix the limit at an annual payment of Rs. 3 municipal tax. This would give a majority of the inhabitants an interest in the election and something to stir public attention. The limit is a low one; but all the municipalities in this division are poor and the majority of the taxpayers also poor. I have not yet obtained from the Collectors of Chittagong and Noakholly figures shewing the number of persons eligible as candidates and the number entitled to vote under the above conditions; but the information has been urgently called for and will

be forwarded when received. The Collector of Tipperah reports that the following are the figures for his district :—

	Possible candidates.	Voters.
Commillah	132	570
Brahmunberia	21	185

17. In each municipality a list of persons entitled to vote will be prepared and copies hung up in the public offices and various parts of the town. A list of persons eligible to sit on the municipal board will also be prepared, and such persons will be invited to send in their names to the Magistrate, if they wish to put themselves up for election. A list of the candidates for election will be published for the information of voters, and previous to the day fixed, voting papers will be available for all who wish to record their votes. The papers will be filled in with the names of selected candidates and deposited at some place or places previously arranged; up to a certain limit, the persons receiving most votes will be held to have been elected.

18. To sum up, I would not recommend the extension of local self-government to any part of my division, except to the municipalities of Chittagong, Noakholly, Commillah, and Brahmunberiah. The number of members for each may be fixed after consultation with the local authorities; but the entire number to be elected by the voters themselves, this system being introduced in deference to the wishes of the educated few in the hope that its advantages will in time come to be appreciated by the many. The committee so elected by the rate-payers will be at liberty to select their own chairman and vice-chairman from amongst their own number, and will manage municipal matters, including the charge of the dispensary, as well as the tolls and ferries within the municipality, the funds at their disposal being those raised by municipal taxation, and their operations being limited only as regards the amount to be expended on any single project, sanction to any expenditure on any original work over Rs. 1,000 having to be obtained from Government. My proposal amounts to little more than allowing the members of committees to be elected instead of being nominated; but in view of the indifference with which the project has been received by the bulk of the inhabitants, I do not see my way to granting any more extensive powers or privileges.

No. 662G, dated Bankipore, the 23rd September 1882.

From—F. M. HALLIDAY, ESQ., Commissioner of the Patna Division,
To—The Secretary to the Government of Bengal, Medl. & Municipal Department.

IN continuation of my letter No. 613G, dated 9th instant, I have the honour to submit this further report in conformity with the instructions contained in Government circular No. 5T—M, dated 5th July.

2. Taking first the district of Patna, I find the Magistrate considers it may be included in class 3, and local boards may be formed in each of the sub-divisions. The Sub-Divisional Officers of Dinapore and Behar have both reported in favour of it from their respective charges. The Sub-Divisional Officer of Barh, who has very recently joined, was at first adverse to the scheme; but after further enquiry he states that "many of the leading gentlemen are of opinion that the system should be introduced to the full." I have in my previous letter shewn that several meetings have been held in Patna and one at Barh. These were attended by a considerable number of educated gentlemen, and were stated to be unanimously in favour of boards for the sub-divisions. The Magistrate considers rightly that, in the present state of education in he district nothing in the way of a popular expression of feeling can be expected.

3. For board purposes the Dinapore sub-division might be doubled up with the head-quarters. It is a very small sub-division, running along between the railway and the river. A very important part of its population lives along the Dinapore road between Bankipore and the cantonments, and has many interests in common with Patna City Access to Bankipore by the East Indian Railway is easy for all the inhabitants of the sub-division.

4. The election of the members of the board presents more difficulties than that of the municipal members. It may be taken as true in the main that the average of education and intelligence in the country is lower than in the towns, and that in Behar especially it is notoriously in a backward state compared with that of Bengal, while the population being more scattered it is harder to disseminate such new ideas as those now brought forward.

5. The Sub-Divisional Officer of Behar would leave the election of the members of the board to a committee formed of the most capable and influential men of the community; but the Magistrate truly remarks how this committee is itself to be formed, or why, having obtained such a committee, we should not at once secure its services on the board, the Sub-Divisional Officer does not explain. The Dinapore Sub-Divisional Officer proposes that members should be chosen by the punchayets appointed under the Chowkidari Act. The meetings held were in favour of election generally. The facts stated in the circular shew that hitherto the urban population of Bengal has not availed itself to any extent of its elective privileges, and we cannot expect a less informed population to be more advanced. The Magistrate therefore thinks that for the present it would be well to confine the election of candidates by individual voters to the areas immediately surrounding the

towns. For the remainder of the district he would adopt the Dinapore proposal, and allow the punchayets to select members. I believe the proposal is well worth trial. The qualifications entitling to vote mentioned in the circular have been generally accepted. In addition to those it has been everywhere suggested that education should carry a special privilege. This could be met in the same way as proposed for municipal elections, by allowing two separate members on each board to be chosen by the educated classes of the community, the qualification being the same as for the municipality. It is agreed that the qualifications for candidates should be those mentioned in the circular, except only as regards candidates to be elected by the educated classes In their case the property qualification might be dispensed with.

If the election by individual voters were for the present confined to areas around towns, the election could be conducted for the most part by the same agency and under the same rules as that for the municipality itself. The Magistrate has shewn that the number of voters for each sub-division under the several heads would be as follows :—

Voters paying Rs. 10 license tax.		Paying Rs. 10 road	Private property.
		Head-quarters and Dinapore.	
826	...	925	700
		Barh.	
212	...	371	.....
		Behar.	
266	...	749	35

6. The appointment of chairman for the boards is certainly more difficult than in the case of municipalities. The work to be carried out is more varied, and requires consequently a higher standard of education, of tact and official discipline, while the experience which any of the native community have had is restricted. The Magistrate states that certain questions are at times submitted to the Dispensary and Educational Committees for their decision, and a few members occasionally take an active interest in the conduct of schools ; but the majority have a very slight idea of the difficulties which have to be surmounted. These remarks apply still more forcibly to matters connected with roads and public works. To place a native gentleman who has had no previous acquaintance with the management of an office at the head of so many departments would be at once to court failure. For these reasons it seems to me that a suggestion made by the Magistrate is worth consideration ; it is that, on the introduction of the scheme, the chairman elect should work as vice-chairman on probation for six months under the existing official chairman, and with this proviso a non-official chairman might be appointed on each of the boards of the district at the instance of the boards themselves, but subject to the approval of Government.

7. Adverting to paragraph 12 of your letter, I do not think the assessment and collection of the license tax could be made over to the boards or municipalities until a sense of responsibility for carrying out the works and improvements has been firmly established. This is also the opinion of the Magistrate. At present there would be a tendency to reduce the assessment at the expense of any other funds in the hands of the boards, and it would be difficult for us to say that a certain fixed sum must be raised. The Magistrate has made no suggestion as to the Public Works cess or any other source of revenue ; but he points to the possible advantage of making over for collection a part of the excise revenue, such for instance as that derived from country liquor outstills. Local knowledge is specially needed for checking the establishment of stills in places where the population is likely to be much demoralized by them and for watching their effect.

8. As to question of unions, the following is a list of those in the Patna district :—

Dinapore sub-division.—Dinapore Nizamut, Monair, Khagoul.

Barh sub-division.—Futwa, Baikutpore, Nowadah, Mahomedpore, Mokameh.

Of these the Dinapore Nizamut, Khagoul, and Mokameh are the most important. The first has a population of 23,740, and immediately adjoins a large cantonment. The other two have a considerable resident European population, and Mokameh is likely to become of still more importance when the junction with the Tirhoot Railway line is completed.

	Rs.
Dinapore	8,739
Monair	1,367
Khagoul	2,423
Futwa	3,042
Baikutpore	1,314
Nowadah	1,204
Mahomedpore	1,734
Mokameh	3,019

The income raised by these unions has been as shewn in the margin.

Hitherto the greater part of this had been expended on the police force, even the road repair charges being almost entirely borne by the district cess.

If local boards are vested with sufficient power to enforce the necessary sanitation, there seems no reason why these unions should not be abolished. There are no small municipalities in this district.

9. For the district of Gya I beg to submit the following. In regard to the question as to under what category the district should be placed, it seems advisable to place it under category (2).

It is out of the question to have a local board for the Nowadah sub-division. The other sub-divisional officers seem to have reported under the impression that Government had

determined to have local boards in Aurungabad and Jehanabad. Gya is a backward district. If the scheme is to be introduced with *caution*, then I think sufficient will be done if an elective municipality is given to Gya town, and a district committee is appointed. The Sub-Divisional Officer of Aurungabad has reported that the election of any part of the members of a local board there would be impossible owing to the backwardness of the sub-division. In the Collector's opinion the condition of the people of Gya district is such as not to warrant the introduction of the elective system for the membership of local boards. When municipal elections have taken place for some years, then some notion of what is meant may have percolated to the interior, and an experiment might then be made by electing a local board for the sudder sub-division. But if it be decided otherwise, then the qualifications, so far as they go, proposed in your letter for members and voters may be tried according to those proposals; it is estimated that there would be the following number of persons qualified:—

	For members.			For voters.		
	By payment of Rs. 25 road cess.	By payment of Rs. 20 license tax.	By Rs. 1,000 per annum income not from land.	By payment of Rs. 10 road cess.	By payment of Rs. 10 license tax.	By Rs. 500 per mensem, other income.
Sudder sub-division	433	116	4	987	386	6
Aurungabad Sub-Divisional Officer's estimate	108	158	8	395	406	12
Sub-division head-quarters' estimate	241	130	4	648	354	12
Jehanabad sub-division	314	75	4	980	187	9
Nowadah ditto	656	40	3	1,226	150	12

It is not easy to estimate the numbers under the third qualification; in each case more detailed investigation would be necessary. Mr. Buckland considers that the enquiries necessary might be regarded as inquisitorial, and connected with a possible income tax He is also very decided in the opinion that, if a local board should be appointed in any sub-division in the district, it would be necessary that the sub-divisional officer, and in the sudder an official, should be chairman and have a vote. In this I concur with him.

10. As to the funds to be made over to each board, the Collector of this district also anticipates serious trouble if the license tax assessments and collections are made over to bodies more or less independent.

Under existing circumstances it is difficult enough to keep a check on these matters.

11. There are eleven unions in this district; but there would be no object in maintaining them where local boards are established. If the district is treated under category (1), they can be brought under the district committee.

12. *Shahabad.*—I take next the district of Shahabad. The Collector states that the proposal contained in Bengal Government letter No. 5, dated 5th July 1882, that there should be no district boards, was disapproved by all those whom he consulted, and all the natives and others agreed that the administration must be by districts, which is and has been for generations the unit of administration. On this point, however, it is not I think necessary now to enter upon discussion.

13. There are at present three sub divisional Road Cess Committees in this district, with a considerable allowance of Rs. 10,000 a year each to be spent at discretion on roads. All are agreed that these should be retained, and the local boards should be founded on their model. There is no area smaller than a sub-division which could with advantage be placed under a separate jurisdiction. Mr. Nolan, assuming that the Government of India has directed that members should be chosen by election wherever this may be practicable, reports that it is practicable in Shahabad, and that he sees no objection, except such as might tell against elective institutions for rural communities in all parts of India. Those consulted, including the members of the Road Cess Committee, considered that there should be a property qualification for a vote, and that the amount proposed by the Government of Bengal, viz., payment of Rs. 10 per year as road cess, or Rs. 10 license tax, or an income of Rs. 500, be adopted.

With this qualification the number of voters would be as follows:—

Sub-divisions.	Rs. 10 road cess.	Rs. 10 license tax.	Rs. 500] income.
Arrah	266	260	411
Buxar	158	239	309
Sasseeram	233	234	459
Bhubooah	162	123	162

The qualification for candidates suggested in the same letter was also approved of.

14. With regard to the appointment of chairman, those consulted at Bhubooah were in favour of having the sub-divisional officer chairman without a vote; but Mr. Nolan states that the feeling elsewhere seems to be for non-official chairmen to be elected by the members. Bhubooah is a backward sub-division, and I should place it in the same category as the Gya sub-divisions of Nowadah and Aurungabad. Sasseeram should certainly have the sub-divisional officer as chairman. On the whole, for the reasons I have given further on in connection with the circumstances of the Mozufferpore district, I am myself of opinion

that the proposals for Mozufferpore might well be applied to Shahabad. The sub-division of Bhubooah I would exclude, as I have proposed the exclusion of Sitamarhi in the Mozufferpore district.

15. As regards the district of Mozufferpore, it appears from reports of the proceedings of meetings which were held at Mozufferpore, Mahwa, Lallgunge, and Hajeepore, that the opinion was in favour of introducing the elective system in its entirety, and of selecting their own chairman and vice-chairman for each board.

Mr. Worsley, the Collector, is decidedly of opinion that the district is one which should be placed in class 3, *i.e.*, that it is one which contains sub-divisions in all of which local boards can be formed.

A fair commencement has already been made in the working of branch committees at Hajeepore and Sitamarhi under the Road Cess Act, and the experiment has proved that mixed committees of European and native gentlemen can be formed, by which the road work of the sub-divisions can be efficiently administered.

16. With regard to the election of members and appointment of chairman, Mr. Worsley recommends that (except in Sitamarhi sub-division, where the elective system should not be introduced at all at present) one-third of the members be elected, that the Joint-Magistrate in the sudder sub-division and the sub-divisional officer in the interior be chairman of each local board, and that the vice-chairman of each board be a native of Behar and be selected by the members of the board.

It is true that many influential and intelligent native gentlemen have joined in resolutions praying for the introduction of the elective system in its entirety, and for the right of managing local affairs without the intervention of officials; but Mr. Worsley rightly remarks that the number of those gentlemen, and of all who supported the resolutions, cannot be regarded as "a reasonable proportion of the persons who would be qualified to vote according to such standard as might be generally adopted." Mr. Worsley has gone carefully into the question, and as the circumstances of Mozufferpore and its meetings are peculiar, I venture to submit his opinion as follows:—"I have also reason to believe that the desire to follow the lead of other districts, the fear of being stigmatised as a backward and ungrateful body of people, ignorance of the real questions for consideration, and (in the case of Mozufferpore meeting) terrifying pictures of my possible successor in the district, were powerful factors in winning adherents to views which had been actually put forward or entertained at first by a small but influential set of persons. I have been informed on excellent authority that many of the principal resiaents of the town of Mozufferpore had at a preliminary meeting resolved to follow the previous resolutions passed in connection with municipal boards; but that at the formal meeting of the 20th ultimo most of them were pursuaded to abandon their decision. Again, but for the interest and action taken by the officers of Government in the proposed scheme, and their desire to promote public meetings on the subject, I firmly believe that the people themselves would have remained perfectly passive. The several resolutions and the letters of the Governments of India and Bengal had evoked no response in the district, and with the exception of those who have attended meetings, or have been directly consulted by myself and subordinates, I doubt if any of the residents in the interior have given the subject a thought, even if they have heard of it."

17. In the reports from the Sub-Divisional Officers of Hajeepore and Sitamarhi a good deal of detailed information regarding the state of education and other matters has been furnished. It is clear from the facts and figures given that "education in the ordinary sense of the term" is extremely backward, and that "political education" cannot be expected at present to make much progress, if indeed it can be said to have yet commenced at all. The qualifications for members and voters should I think be those proposed by the Government, viz., the payment of Rs. 25 road cess, or Rs. 20 license tax, or proof of income from other sources than land amounting to Rs. 1,000 per annum in the case of members, and in the case of voters payment of Rs. 10 road cess, Rs. 10 license tax, or Rs. 500 income. There seems no necessity for admitting such a wide range of qualifications as has been proposed in the case of candidates and voters in municipalities with the qualifications above mentioned; the probable number of persons qualified will be as follows:—

	Candidates.	Voters.
Mozufferpore sub-division	600	1,600
Hajeepore	450	1,200

18. No suggestions have been made on the mode of voting to be adopted, and the advocates of the elective system in this district do not appear to have proposed any mode as specially suitable.

19. In the matter of new local rates, Mr. Worsley recommends that none such be imposed for the purpose of providing additional funds; but that the maximum rates allowed in the Cess Act be increased; and he concurs in the view before expressed in this report, that the boards could not be safely trusted with the making of license tax assessments.

20. A special feature in the administration of the Road Cess Committee in the Mozufferpore district is the part which the indigo-planters have taken, and as in recent local prints some very unjust charges have been put forward by gentlemen who should have known better, I think it necessary to bring to notice Mr. Worsley's remarks on the subject in this report, as any scheme that would have the effect of excluding the indigo-planters from

a large share in the administration of the road fund of the district would be very undesirable. The unjust charge referred to by Mr. Worsley is that the indigo-planters have hitherto been specially and unfairly favoured in the matter of roads, and that the tracts round indigo factories have consequently been intersected with communications presenting the appearance of "a spider's web." The true explanation, however, is that in old times (as the records of the office will shew) the planters maintained many excellent roads in the vicinity of their factories at their own expense, and that in the famine year of 1874 many managers of factories were Circle Superintendents, and constructed under Mr. Worsley's own orders a large number of roads as relief works. It was only natural that most of such roads should have been subsequently brought into the district road list. Too much praise cannot be accorded to the planters for the gratuitous and excellent services which they have always rendered in the making and repairing of the roads.

21. *Sarun.*—Taking the district of Sarun, I will begin with the newest and at the same time the most backward sub-division—Gopalgunge. As regards this sub-division, I, in concurrence with the Collector, have no hesitation in saying that a local board, of which any portion of the members should be elected, or the chairman should be any person other than he sub-divisional officer, cannot be formed; and this is the general opinion. The sub-divisional officer remarks thus:—"It will readily be understood that throughout the thana of Baragaon the influence of the Hutwa Raj so predominates that it would be impossible to one who, as a member of a local board, would give an independent vote. The population consists of the ryots, servants, and thikadars of the Raj.

"The selection of members for thana Gopalgunge would be equally difficult."

22. Sewan is in a more advanced state than Gopalgunge, as indicated, among other ways, by the fact that it possesses a municipality, and the Branch Road Cess Committee is vested with larger powers than have been conferred on the Gopalgunge Committee. The general opinion of the educated portion of the native community is that a local board should be formed; but that for the present the members should be appointed by Government, and the chairman should be the sub-divisional officer, the vice-chairman being a non-official elected by the members of the board. It was considered that the introduction of the elective system is at present impossible.

23. I now come to the head-quarters or Chupra sub-division. Here the opinions of the native community, as expressed by their leading members, is practically unanimous on the following points:—

(*a.*) There should be a local board.
(*b.*) The chairman should for the present be the Magistrate of the district.
(*c.*) There should be a non-official vice-chairman elected by the members.

On the question of electing the members of the board opinions appeared to be more decided; but the prevailing feeling was in favour of making the experiment of filling up a certain proportion of the places by election, the proportion being generally put at two-thirds.

The Collector, Mr. Quinn, expresses his opinion that Chupra is the only sub-division in which the proposal of introducing the elective system is really open to discussion at all; but that even here it would be premature to attempt its introduction until the system has been tried in the municipality. It is not too much to say, he adds, that nine-tenths of the intelligence of the sub-division is contained in the municipality. There the elective system has not yet been introduced, and up to the present it has not even been applied for by the proportion of rate-payers mentioned in the Act. Mr. Quinn is very loath to apply the elective system until it has been worked for a year or two in the municipality, and he would in any case introduce it gradually, beginning with the Chupra thana, which contains a large proportion of the persons qualified to sit on the local board, and also contains the two municipalities of Chupra and Revilgunge.

The number of persons who, according to the qualifications suggested in the Government letter, would be elegible respectively to vote, and to be elected as members of the board in the Chupra sub-division, is as follows:—

Persons paying Rs. 10 license tax.	Paying Rs. 10 road cess.	Persons paying Rs. 20 license tax.	Paying Rs. 25 road cess.
1,055	1,400	424	782

It would be necessary to add a few classes to those qualified by the payment of tax or cess, so as to include persons of superior education.

24. It would seem that the interest taken in the native community is, as far as can be gathered, entirely confined to the educated class, and that in Sarun is a very small class.

The vast majority of the persons who would be entitled to vote according to the qualifications suggested by Government have seemingly in this district, more perhaps than in others equally advanced, no desire to have local affairs managed by a board of which they would be allowed to elect the members. A reduction of taxation is generally desired of course; but assuming that no reduction is made, and this may with fair certainty be assumed, it is believed that the tax-payers generally are quite indifferent as to the constitution of the governing body.

25. *Chumparun.*—The Collector of Chumparun has dwelt much in his report on the backward state of education in that district, and it is with reference to this that he has desired to shew the position which the district holds, if the extent to which education has been

diffused amongst the masses be accepted as any test of the fitness of the people to be entrusted with the management of their own affairs. The figures for Chumparun shew about 9,000 boys attending school out of a male population of about 900,000; in other words, that only 6 per cent. of the school-going population go to school. Practically speaking, it may be said that the mass of the people are totally uneducated, and that any progress made in diffusing education has been made amongst boys of a school-going age to the exclusion of the grown-up population. Mr. Henry rightly says that too much stress cannot be laid upon this fact, when the question under consideration is whether the people are or are not fitted to receive political education. With the knowledge of the very backward intellectual condition of the people, it seemed hardly necessary to dwell further upon the consideration of the category in which the district should be placed. With a view, however, of obtaining the best information available, the Collector consulted intelligent residents of the place, and he had the benefit of hearing the opinion of a most influential meeting convened and presided over by the Maharajah of Bettiah, who, with his son, has greatly interested himself in discussing the applicability of the Government scheme. This meeting was attended by all the leading men in the town of Bettiah, and by representatives from the interior. After due deliberation, the meeting recorded its opinion that it would for the present be inexpedient to extend the system of local self-government to the Bettiah subdivision, and they hoped that no steps in that direction would be taken until they were able to judge of the success at the introduction of the proposed system into the municipality.

26. I agree with the Collector, giving due weight to these facts, in thinking that Chumparun is a district where the development of the local self-government scheme can be secured only by utilizing existing institutions, improving such machinery as is already in working order, and giving enlarged functions to the members of the general district board.

We should have to revise and strengthen the existing Road Cess Committee, reorganizing it as a general district board, and allowing it to absorb the other committees. Mr. Henry points out that, as at present constituted, the whole of the work of the Road Cess Committee is performed by the European members. They alone attend meetings and display interest in road cess affairs. He proposes to add to the revised list of the members of the Road Cess Committee the names of two resident native gentlemen for each thana, who will have seats at the general district board, and at the same time be available for the thana sub-committees.

Having regard to the interests of the district, it does not seem advisable to recommend the introduction of local self-government on the broader basis sketched out in the Government letter.

27. *Durbhunga.*—As regards the district of Durbhunga, the Collector, Mr. Boxwell, considers that a district council is indispensable, and it should consist of delegates from the local boards. If election is granted, there is no doubt, he thinks, that the qualifications suggested in the Government letter are as good as possible.

Election in the Durbhunga sub-division would almost certainly result, according to Mr. Boxwell, in the appointment of some of the cousins of the Maharajah, but this would be no objection. The Durbhunga Raj is so big a thing in the district that it enters into almost every question, and it is hard to say whether canvassing would be the rule or not, and he thinks it would be a question whether the higher people would wish for the honour or dislike the trouble more. The Collector does not consider that any part of the district is suited for the franchise. In this he is supported by the Sub-Divisional Officers of Tajpore and Madhubunnee. On the whole, I would recommend that the proposition submitted by Mr. Henry for Chumparun should be first tried also in the Durbhunga district, that of revising and enlarging the present District Road Cess Committee, and absorbing in it the other committees at present existing.

28. On the subject of control to be exercised by executive authorities opinions appear to differ. The view that a central board of control is essential to the working of the proposed scheme is generally concurred in. Vigorous and energetic members should be appointed, and should be empowered to proceed on an inspection, to call for proceedings, and to issue stringent orders. It should be laid down that all municipal and local boards shall send copies of their proceedings, budgets, &c., to the district officer, and comply with his requests for information and explanation.

This appears to be in harmony with paragraph 17 of the Government of India resolution of 18th May last. The district officer might communicate to Government, or to the central board, or to both, where the failure of the local or municipal board to make due provision for roads or other important works is causing public inconvenience. It is quite within the bounds of possibility that affairs might be brought to a dead lock by internal dissensions on the local board or municipal board. I would submit for consideration whether the control of a *divisional* directing body would not be essentially necessary, as it is desirable that any authority of the kind should be able to act with promptitude. While a distant central authority was calling for further particulars, bridges and embankments would be rapidly disappearing. It must be borne in mind that the Indian working season is of short duration, and that, if the central body has to wait for repeated default before it is empowered to intervene, a whole year will frequently elapse before steps can be taken. On the other hand, the Collector of Shahabad points out that the proposal to create a

central board for supervision was not clearly understood by those he consulted. Supervision is exercised by the criticism of reports in the form of returns or otherwise, and by inspection. For the former a new board sitting in Calcutta would have no greater facilities than is possessed by the present executive machinery, while for inspection it would have little opportunity.

The Executive Government as organised has an elaborate machinery for control and inspection of all kinds, and it has been remarked that it is not clear why any new and probably less efficient body is desirable. A central board with its office would be expensive, and the money available for such a purpose might probably be better spent in other ways. Of late years the audit of accounts by experts visiting the different districts has become more regular, and this system might be still further extended.

For other purposes it would seem that the Commissioner and district officers would be the best persons to ascertain whether the boards worked satisfactorily.

No. 1707J, dated Bhagulpore, the 28th September 1882.

From—C. T. METCALFE, ESQ., C.S I., Officiating Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,

To—The Secretary to the Government of Bengal, Financial Department.

IN continuation of my letter No. 1597J of the 14th instant, regarding the extension of local self-government, I have the honour to give below an abstract of the report from the district officer of Monghyr on the subject.

2. As noted in my report, there is only one municipality in Monghyr, viz. at the head-quarters of the district; Jamalpore is a station, and Khurukpore a union.

3. A translation of section 16, Act V (B C.) of 1876, with a notice, was widely published in the town, and the intensions of Government made known by beat of drum.

4. A public meeting of rate-payers was convened at Monghyr on the 21st ultimo, and also on subsequent dates, the result of which was as follows.

5. The meetings resolved—

I.—That the Chairman of the municipality be elected by the commissioners from among non-official members. Mr. Kean's opinion is that the commissioners should elect their Chairman, subject to the approval of Government, from the whole corporation (official and non-official).

II.—That the members of the municipal board should be chosen by election. Mr. Kean says that, as the people at large have to a great extent an intelligent interest and understanding of the municipal system and its working, the elective system may be tried; but as it has never yet been introduced, and is only tentative, it would be expedient to introduce it gradually, and, in this view, he recommends that not less than two-thirds of the commissioners should be elected and one-third appointed by Government.

6. With regard to the qualification of members and voters, the meetings resolved that the following persons should be eligible for members or commissioners:—

(*a*) House-holders paying a house tax of not less than Rs. 10 annually, independently of other taxation.

(*b*) Non-official residents of five years' standing, who are likely to continue as residents, whose annual income shall not be less than Rs. 750, and men of good reputation.

(*c*) Pensioners drawing not less than Rs. 20 per month.

7. It was resolved that no person who had been convicted of a non-bailable offence should be eligible.

8. With regard to the test for voters the meetings resolved upon the following qualifications being necessary:—

(*a*) All persons eligible to become members and persons paying municipal taxes amounting to Rs. 4 annually.

(*b*) Persons whose incomes from all sources amounted to Rs 200. These must be residents of at least five years' standing and likely to continue to reside, and men of good reputation.

9. The meetings came to no conclusion regarding the system or method of election to be adopted

10. In Mr. Kean's opinion, as regards the qualification for a candidate for election should be that he is a male rate-payer of full age, resident in the municipal limits; that he can read and write; that he has never been convicted of a non bailable offence; and that he pays house rate on his own account of Rs. 10 a year. The qualifications of a voter should be that he is a male rate-payer of full age; that he pays house rate on his own account of not less than Rs. 4 a year.

11. For the system of election Mr. Kean thinks that that now in force in the town of Krishnaghur, or something very similar, should be adopted, viz. the town be divided into

wards, each of which should return two members ; any two rate-payers be entitled to nominate a candidate ; the nomination be intimated to the Vice-Chairman on or before a certain date each year, the consent of the nominee being intimated at the same time ; the notification required by rule 14 be issued ; if objections be made to eligibility of a candidate, they be notified in writing on or before a fixed date to the Vice-Chairman, who shall hear and decide the same The Vice-Chairman and three or four Commissioners should then sit for the purpose of conducting the elections ; they would decide on what day and at what places the poll shall be held, and they shall notify their decision, and the actual election should take place in the manner stated in paragraphs 7—15 of the rules for the election of municipal commissioners for the town of Krishnaghur, dated the 7th December 1875.

12. This election system cannot under the law be introduced unless a petition is filed on the part of one-third of the rate-payers. It was notified at the meetings that such a petition would be forthcoming, but it has not yet reached the district officer.

13. With regard to the question of local boards, Mr. Kean is of opinion that the district for the present should be provided with three such boards, viz. one for each of the sub-divisions. He states that it was at first thought practicable to form more than one board at each sub-division, and the sub-divisional officers recommended this scheme ; but after consultation with native gentlemen, it was found that, it would be next to impossible to do so, and he accordingly recommends to make the sub-division the unit of administration, making the only exception at Khurukpore, the union at which place should be abolished, and in its stead a local board established.

14. In the Begooserai sub-division a meeting was convened by the sub-divisional officer. The members expressed their wish that the elective system should be adopted, and that the Chairman should be elected by the members of the board ; this latter was not shared in by the European residents of the sub-division, of whom there are a large number. The sub-divisional officer is doubtful of the expediency of introducing the elective system, but thinks that, as it is the wish of the more advanced portion of the community, and there seems a fair chance of success, it should be given a trial. The scheme proposed is that each of the eight pergunnahs which constitute the sub-division should form an elective circle, and that votes should be recorded at certain selected centres in each pergunnah ; that the names of the candidates should be notified, and a set of circle clerks with a peon sent round to call in the voters. The district officer, however, after consulting the educated natives, has come to the conclusion that the scheme is not suited to this district, as it is very backward in education, and it would be impossible to insure independent voters. He recommends the local board at Begooserai should consist of 12 to 16 members, to be nominated by Government, selected so as to represent every part of the sub-division, one-sixth of the number being official and the Vice-Chairman to be elected by the board.

15. For the office of Chairman, the meeting resolved that the officer should be a non-official, and should be elected by the board. As, however, the European residents have protested against it, and have declined to associate themselves with the proposed scheme, unless the Chairman be an official, and as Mr. Kean thinks it would be difficult to find any non-official really fitted to be Chairman, he recommends that the post should be held by the sub-divisional officer, who, with the Sub-Inspector of Schools, should be *ex-officio* members, and that the Chairman need not have a vote in the proceedings, if it is considered to strengthen the independence of the non-official members.

16. The local board at Jamooi is recommended by the district officer to be similarly constituted. The meeting convened by the sub-divisional officer resolved that the members of the board should be elected by vote, and that the Chairman should be the sub-divisional officer, who, with the Sub-Inspector of Schools, would be *ex-officio* members.

17. In the Sudder sub-division the meetings convened were of opinion that the members of the board should be elected by vote, and that the Chairman should be nominated by the board. In this, however, the members of the Monghyr bar did not agree. Mr. Kean recommends that the members be nominated by Government, and should consist of three to four delegates from each thana, *i.e.* 12 to 16 ; that the Chairman should be the district officer, who, with the Deputy Inspector of Schools, would be *ex-officio* members. The district officer should have authority to delegate his powers to the Joint-Magistrate or Senior Deputy Magistrate.

18. It is recommended that the mofussil local board should be subordinate to the Board at head-quarters, unless it is contemplated to form a district council or board at the Sudder, in which case all local boards would be subordinate thereto, and the sub-divisional and Sudder local boards would be presided over by the sub-divisional officer and Joint Magistrate respectively, and the latter council would be formed by delegates from the subordinate local board.

19. Mr. Kean further gives it as his opinion that each local and municipal board should be required to submit yearly a budget of its requirements and of proposed expenditure, and the amount from the license tax receipts from the pounds, ferries, and public cesses should be apportioned in accordance with such proposals when approved by the controlling authorities. The management of the zillah school, which is situated within municipal limits, should be placed under the control of a committee to be appointed by the rate payers of the municipality. When budgets are submitted by the local and municipal boards and sanctioned by the controlling authority, no further interference would seem to be necessary on the part of the latter therewith except to point out errors.

No. 3260E, dated Calcutta, the 7th October 1882.

Memo. from—MAJOR G. F. E. S. NEILL, M.S.C., Assistant Secretary to the Government of Bengal, Public Works Department.

To—The Secretary to the Government of Bengal, Medical and Municipal Dept.

IN reply to memorandum No. 440, dated the 24th July last, from the Medical and Municipal Department of this Government, the undersigned is directed to forward six spare copies of a note by the Joint-Secretary in this Department on the subject of the local boards scheme in its relation to the Public Works Department.

Note on the reorganization of the Public Works Establishments of Bengal with reference to the Scheme of Local Self-Government.

THE several propositions contained in the resolutions and orders of the Government of India on the question of self-government, which affect the relations to be established between the Public Works Department and the local boards, may be formulated as follows:—

(1) Full freedom of initiation, direction, and control in respect of all matters not being details of professional execution to be reserved to the local boards.

(2) The organization should be such as to render it possible eventually to entrust all cutcherries, jails, lunatic asylums, and other public buildings, as well as roads, to the care of local boards, and to dispense with the necessity of keeping up a separate provincial engineering establishment.

(3) Each local board should have its own staff of overseers and the like, and the appointment and removal of this staff should be left to the board.

(4) Government should in all cases assist local boards in securing competent professional assistance, and even offer to supply competent Engineers.

(5) When a local board is unable to employ a competent Engineer of its own, Government should provide an officer of the Public Works Department to act as Engineer, to all or several of the local boards of a district.

(6) When a District Engineer is appointed by Government and made over to the service of a local board, the board to pay his salary and allowance in such proportion as may be determined.

(7) Government should in all cases supply professional supervision, the exercise of which will be necessary to enable the district officer to see that the boards do their work properly.

(8) Sufficient control to be reserved to Government to guarantee that the public money entrusted to local boards is usefully spent and made the most of, and that Government buildings and other works made over to them are properly maintained.

(9) No charge should be made for supervision and control by the superior officers of the department.

(10) It is recognized that in settling such questions as the lines of provincial, district or railway feeder roads, professional and departmental opinion must have a preponderating weight.

2. In giving effect to these propositions, which I have quoted almost in the words used by the Government of India, I think one postulate must be granted, and that is, that the transition from the existing order of things must be so managed that, while the end aimed at by the Government in the direction of local self-government is surely and steadily approached, there should be no avoidable or unnecessary disruption of the system or agency by which the current-work of the Government is being prosecuted. I have given my best consideration to the subject, and the result is the scheme which I now propose.

3. It is unnecessary for me to discuss the question of the constitution of the local boards. It is clear from Mr. Macaulay's circular of the 5th July that there will be many gradations of development in them. The three districts—Singbhoom, Sonthal Pergunnahs, and Chittagong Hill Tracts—will remain as they are. There will be some districts without local boards, which will continue under the administration of district committees as at present. There will be other districts in which some of the sub-divisions will have local boards and some remain under committees like the existing branch committees of the Cess Act. There will again be other districts more highly developed, in which all the sub-divisions will possess local boards, or in which there may be even more local boards than there are sub-divisions. And finally, there will be two or three classes of municipal boards. It is also proposed to place all the local boards under the Government of a central board of control.

4. Whatever may be the ultimate development of the system of local boards as to their number, the area of their jurisdiction, or their internal organization, it is clearly intended by the Government of India's proposals that each board should have its own establishment for the execution of work under its own immediate control. Hitherto the district has been the unit, and we have had district road cess committees with branch committees for sub-divisions and a District Engineer. But the unit in future will be the local board, and I propose that the chief officer of its executive establishment should be called the "Surveyor to the Local Board." He should be appointed, and his salary fixed by the local board much in the same way that the District Engineers are now appointed by the road cess committees. He should have a sufficient establishment of overseers and clerks under him. His pay and that of his establishment will depend on the income at the disposal of the board and the amount of work

to be done. In this, of course, there will be great differences between different boards, just as there are now between different road cess committees. Some 'Surveyors' will merely have the qualifications of subordinates; others will have those of Engineers according to the recognized tests. But the local board surveyor and his establishmeat will be the unit of executive agency by which all the work of the province will in the future, when the system has become matured, have to be carried out. The first four of the Government of India's requirements, as set forth in the category given in the first paragraph of this note, have to be met by the nature of the organization given to the Surveyor's establishment, and I do not think we can do better than adopt the organization and forms of account already prescribed by the Bengal Cess Act for the existing district road cess committees, and which would fully meet them. The defects which experience has shown to exist in the road cess committees are those which may be mainly attributed to the inexperience with which they were inaugurated. These have been remedied by the revised Cess Act of 1880. That Act, whilst it gave the committees full freedom of initiation, direction and control, applied suitable safeguards against the appointment of incompetent Engineers and the execution of projects without proper professional supervision. Most of the committees' executive establishments have gradually acquired efficiency, and there was every reason to hope that in a few years more they would have become effective instruments for the execution of all local public works transferred to their charge. The same hope may even more reasonably be entertained with regard to the establishment of the Surveyors to the local boards, for they will have more compact areas to deal with, and committees which are more interested in, and familiar with, local affairs to govern them. It has not been practicable hitherto, and it will probably not be practicable for some little time to come, to make over the construction and maintenance of all civil buildings to the management of the local committees; but there is no reason why this should not be partially done at once, and completely done as soon as the establishments of the Surveyors of the local boards become efficient. But it could only be done under the safeguards which will be introduced by the next step in the scheme, which I now proceed to describe.

5. The three next requirements of the Government of India, numbered 5, 6, and 7 in the list given in the first paragraph, refer to the provision of Public Works Engineers by Government for the service of such local boards as cannot afford to engage competent men of their own, the payment to be made for such service, and the need for exercising professional supervision, so that district officers may be enabled to see that the boards do their work properly. I see no way of effecting these objects so well as by making a re-distribution of the establishment of the Public Works Department, and placing one Engineer at least in every district. He should be called the "District Engineer and Deputy Inspector of Local Works." He should have his office at the head-quarters of the district, and his duties should be as follows:—

(*a*). He would continue to carry on the work of an Executive Engineer as long as any work remained to be done, that is, till the Surveyors of the local boards were sufficiently organized to undertake the execution of all kinds of work.

(*b*). He would be the professional adviser of the Magistrate and other departmental officers of the district, and prepare designs and estimates for all their requisitions for new buildings, or for additions and alterations, &c. These designs would, when approved and sanctioned, be made over to the local boards to carry out, but this would of course only be done when their organization was sufficiently advanced.

(*c*). He would be the Consulting Engineer to those local boards who could not afford to keep Surveyors of their own possessing the necessary qualifications; that is, he would have to prepare all projects for roads and bridges which might be beyond the powers of the Surveyor.

(*d*). He would be the Inspector of all roads and bridges and other works in the district. He would submit his inspection reports to the Magistrate, who would send a copy with his remarks to the local board and another to the Divisional Engineer and Inspector of Local Works to be laid before the Commissioner.

6. I will now explain these duties more fully. The present organization of the Public Works Department is such that the whole work of the General Branch, excluding Calcutta is grouped into ten divisions, which comprise 37 out of the 45 districts of Bengal. Each of these divisions, therefore, includes about four districts. The other eight districts are included in nine of the divisions of the Irrigation Branch, the Executive Engineers of which have to look after the general work of roads and buildings in addition to their irrigation work. The Executive Engineer has his office at the head-quarters of one district, while at the other districts of his division he has assistants or subordinates who take their orders from, and submit their accounts to him. This system is productive of unnecessary delays and references, and I think it is perfectly feasible to make the Engineer at the head-quarters of each district a dependent District Engineer, in direct correspondence with the Magistrate-Collector and the Superintending Engineer (or, as I propose to call him, the Divisional Engineer and Inspector of Local Works). One difficulty in the way of this has been the question of office establishments, but I think this can be got over. The result is undoubtedly one to be attained if possible, that each district

should have its Engineer, and that the complicated and ever-changing system of grouping, which has hitherto always prevailed in the Public Works Department, should be simplified and assimilated to the civil jurisdictions of the province.

7. The District Engineer and Deputy Inspector of Local Works need not necessarily be an officer holding the departmental rank of Executive Engineer in the Public Works Department. Many Assistant Engineers would be well qualified for the charge, and also many of the senior upper subordinates. Just as in the Medical Department officers of the Warrant grade are often employed as Civil Surgeons, so in the Public Works Department officers of similar rank would be qualified for employment as District Engineers, and the chance of such employment would be a great incentive to the whole subordinate service. I do not contemplate any increase in the Public Works establishment, but merely a re-distribution, the method of which will be explained in greater detail further on. The object of the re-distribution is to have a responsible local Engineer in each district in the service of Government, who shall discharge the functions detailed in paragraph 5, and on the proper discharge of which it seems to me the success of the local self-government scheme greatly depends. Ten years ago an attempt was made to reorganize the Public Works Department in Bengal on the system of District Engineers, but the mistake was made on that occasion of making the Engineers of the Public Works Department the servants of the district committees, the Magistrates, and of their own departmental superiors. The result proved the truth of the principle that no man can serve two masters, and was a failure which should be kept in view as a warning now. Subsequently, District Engineers were appointed to be exclusively the servants of the district committees, and Executive Engineers reverted to their old departmental position, and the two are now working side by side. There is ample work for both to do, for it has been possible for Government to afford a greatly increased expenditure on both provincial and local works. There is no reason to suppose that this increase of expenditure will not go on in the future. On the contrary, experience shows that it will go on faster as the development of the country proceeds. It would be a fallacy therefore to suppose that the provincial engineer establishment can be reduced or superseded by the creation of local boards. The creation of local boards is necessary, because it is the only way of increasing the working power of the machinery of Government to meet the increasing demands on it. But we must re-adjust the old machinery to meet the new circumstances. The staff of the Public Works Department must emerge from the condition of an executive agency to that of an inspecting agency.

8. It is in this view that I have set out above the duties of the District engineer and Deputy Inspector of Local Works. The range of his duties must first be made to correspond to the civil divisions of the province. Then as regards the first of the duties (*a*) it is, of course, essential to make provision for carrying on the executive duties of the Public Works Department while the local board system is being matured. These the District Engineer will continue to perform very much in the same way as he is performing them now under another name. He is now what is technically called a 'Sub-divisional Officer' of some Executive Engineer's division, and corresponds with, and submits his accounts to, the Executive Engineer. Under the new system, I propose that he should communicate direct with the Superintending Engineer (to be called under this system the Divisional Engineer and Inspector of Local Works who will be at the head-quarters of the Commissioner of the Division, and that he should submit his accounts direct to the Examiner. Gradually, as the local boards' Surveyors are able to undertake the work, he will hand over all building operations to the Surveyor, and remain himself the professional adviser and Consulting Engineer to both the local departmental officers of Government and the local boards, and he will become the official inspector of all local works in his district.

9. As regards the second duty (*b*), it appears to me that it will not be possible to place all provincial buildings in charge of local boards in the same way that they are now in charge of the officers of Public Works Department. And even if it were possible, it would lead to much inconvenience and be inexpedient. In the first place there are a great many troublesome duties involved in the mere charge of the buildings as the property of Government, such as the submission of returns, the periodical examination of the buildings for repair, the answering of questions regarding their extension or adaptation to other purposes, &c., all of which appear to me to be quite outside the idea of self-government by local boards. To hand over this duty to local boards is to hamper them with a great deal of troublesome and uninteresting business, and to sow the seed of future disagreements between them and the district officers. For instance, if the Inspector-General of Jails visits a jail and finds it necessary for administrative reasons to propose changes in it, is he to be subject to the approval of the local board in whose jurisdiction the jail happens to be, and if so, why of that board more than any other local board in the district if it happens to be a district jail, or in the division if it happens to be a central jail? There are many disagreements now as to the necessity of complying with all requisitions, and they have to be decided by Government. But at present everybody concerned is a servant of Government, and the decision is accepted in the ordinary course of business. If, however, the quarrel is between local boards and district officers, it is easy to see that much inconvenience may arise out of it.

10. In my opinion, therefore, the District Engineer, as the servant of Government, should continue to be the responsible officer in charge of all Government buildings, and the professional adviser of the Magistrate and other departmental officers of the district. He should prepare the designs and estimates for all their requisitions for new buildings or for additions and alterations, &c. But this being done, I see no reason why the execution of all work should

not be entrusted to the local board Surveyors. It may be asked what advantage would this be to the local boards—if they are not to have the initiative and control with respect to provincial buildings, why should they be saddled with the execution of work? The advantage would be twofold—first, the more work a local board has to do the larger will be its expenditure, and it will be able to afford to entertain a better and more competent staff; secondly, it falls in with the idea of local self-government that the procuring of labour and material, and the expenditure of public money for these purposes, should be placed under the control of local boards who, from their local knowledge and influence, may be presumed to be able to perform these duties to the best advantage both to Government and the community they represent. In these remarks I refer only to those provincial buildings which are used for the administrative purposes of Government. Any other buildings appertaining to departments which are made over to the control and management of local boards, such as schools, dispensaries, staging-bungalows, pounds, &c., may of course be placed under charge of the boards All roads should also be transferred to them.

11. As regards the third of the duties enumerated in paragraph 5, viz. that the District Engineer should be the Consulting Engineer of those local boards who could not afford to keep Surveyors of their own possessing the necessary qualifications, it is necessary to consider this question in connection with the propositions of the Government of India numbered 4, 5, and 6 in the first paragraph. It is already the practice in Bengal to place the services of officers of the Public Works Department at the disposal of road cess committees when they are applied for, and in such cases the committees fix the salary to be paid to them subject to the sanction of the Lieutenant-Governor, and they also pay the necessary contribution for the retention of such officers' claims to leave and pension allowances. Out of 40 District Engineers now employed, eight are officers or subordinates who are still borne on the rolls of the Public Works Department; 11 are officers who were formerly in the Public Works Department, but are now pensioned; and 21 are Engineers who have never been in the Public Works Department. The present rule is, when a vacancy occurs, for a committee to apply to Government for a list of qualified men who are willing to accept the salary offered A list containing not less than three names is then furnished, from which the committee make their election. The nominees entered in the list are now generally passed students of the Calcutta Civil Engineering College who have undergone the prescribed practical course of training in the workshops, and have besides served several years as Temporary Assistant Engineers in the Public Works Department. The same procedure might continue to be followed when local boards are substituted for district committees. In this way the requirements of the Government of India, number 4, will be fully met. But as regards requirement number 5, it will necessarily happen, as already remarked above in paragraph 4, that there will be great differences in the incomes of the several boards, and that, while some Surveyors will be well qualified Engineers, others will have merely the qualifications required of subordinates of the Public Works Department. The Government of India suggest that in such cases we should appoint an officer of the Public Works Department to act as Engineer to all or several of the local boards of a district, and that the local boards should pay his salary and allowances in such proportions as may be determined. But if a local board is already employing a Surveyor and paying all it can afford for his salary, it could not afford to pay anything more for a share of an Engineer. I think, therefore, it would be necessary to place the services of the District Engineer and Deputy Inspector of Local Works at its disposal free of charge for the preparation of any projects which may be beyond the qualifications of the Surveyor. It would be more satisfactory in all respects for a local board to have as its exclusive servant a Surveyor of the highest qualification it can afford to pay for, than to go shares with a group of other local boards in an Engineer; and there would be no difficulty in having the deficiencies of such Surveyor made up by asking the advice of the District Engineer in the preparation of the more difficult or expensive projects. I believe many of our subordinates would apply for Surveyorships, and they would be competent to undertake, as they do now, the execution of the ordinary engineering work of a sub-division, if they were occasionally inspected. The local boards will have more independence under the scheme sketched out by me than if the suggestion of the Government of India were literally acted on; for it is, in my opinion, quite impossible for any officer to work satisfactorily if he is a servant in the joint pay of three or four independent boards. This, then, is the meaning of the third duty (*c*) mentioned in paragraph 6.

12. The fourth duty (*d*) of the District Engineer would be that of inspecting local works. The seventh and eighth of the proposals set out in the first paragraph are that Government should in all cases supply professional supervision, the exercise of which will be necessary to enable district officers to see that the boards do their work properly, and that sufficient control should be reserved to Government to guarantee that the public money entrusted to local boards is usefully spent and made the most of, and that Government buildings and other works made over to them are properly maintained. This implies systematic inspection, which, it may be assumed, will be necessary in all departments, whether Educational, Medical, or Public Works, to ensure the successful working of the local boards' scheme. In the Public Works Department I would propose to make the Divisional Engineer, who will be at the head-quarters of the Commissioner, the Inspector of Local Works, and the District Engineer at the head-quarters of a district the Deputy Inspector. The nature of the former appointment as regards *personnel* will be explained in a succeeding paragraph, and it will be convenient to consider

the duties of District Engineers in their capacity of Deputy Inspectors of Local Works in connection with those of the Divisional Engineer and Inspector, as, together, they will form one departmental system of inspection.

13. Under the Bengal Cess Act, the appointment of Divisional Superintendent of Works was created. On the application of a two-thirds majority of the road cess committees in any commissionership, or of a sufficient number of road cess committees not necessarily included in the same commissionership, the Lieutenant-Governor was empowered to appoint a Superintendent of Works for the control and supervision of the executive establishments of the committees Five such appointments have been made, and the actual duties performed by the Superintendents have been to advise and assist the Commissioner in his duties connected with the committees and to examine projects and inspect works. Their salaries are paid by a contribution, *pro rata*, from the incomes of the committees. The rules framed by the late Lieutenant-Governor required that the appointments should be filled up from officers actually serving in the Public Works Department, and who had been so serving at least ten years previous to their appointment. One appointment, however, that of Mr Heyman, was made before these rules were framed.

14. It is one of the proposals of the Government of India now that no charge should be made for the supervision and control exercised over local boards by the superior officers of the Public Works Department, and it appears to me, therefore, that the constitution of the appointment of Divisional Superintendents of Works will have to altered under the new Act, and that these officers must revert to the establishment of the Public Works Department. As the supervision and control must be maintained, however, I propose to abolish the present departmental circles of Superintending Engineers, and instead of them to place a superior officer of the Public Works Department, who may be either a Superintending Engineer or a senior Executive Engineer at the head-quarters of each Commissioner of Division, and to style him the Divisional Engineer and Inspector of Local Works. This would absorb the three Superintending Engineers of our sanctioned establishment, and six Executive Engineers. The remainder of our sanctioned establishment would suffice to provide 15 of the more important districts with District Engineers of the rank of Executive Engineer, and the remaining 30 with District Engineers of the rank of Assistant Engineer, with a proportion of selected upper subordinates. This question cannot be worked out in greater detail at present till it is ascertained how many of the Public Works officers who are now employed by district committees will revert to the department. The question of office establishments and accounts also need not be gone into in detail here; but I may mention that the idea of making the District Engineers independent in the matter of accounts is based upon the transfer of the accountants from Executive Engineers' offices to that of the Examiner, and upon a general re-distribution of the remaining office establishments.

15. The reorganized Department of Public Works, in the General Branch, would thus consist of a Chief Engineer and two Assistants at the head-quarters of Government, nine Divisional Engineers at the head-quarters of Commissioners of Divisions, and 45 District Engineers at the head-quarters of districts, besides a Superintendent of Works and two Executive Engineers at Calcutta. These, with a proportion added for absentees and juniors, would form the permanent establishment, and would be worked on a departmental system as at present, but with considerable modifications in the direction of decentralization and affiliation to local civil authority. For the present the appointments would be filled up as best we can from the existing staff, and the department would carry on work much as before, retaining the subordinate establishment and reinforcing it by temporary Engineers as at present. But by degrees, as the local boards acquired strength and relieved the Public Works Department of the actual execution of work, the latter would become the departmental agency by which the Government control and supervision over the work of the local boards would be maintained, and the development of roads and buildings planned. With the increasing professional difficulties of such work the *personnel* would no doubt gradually have to be improved and strengthened.

16. The work of inspection, supervision, and examination of designs would, however, have to be begun at once in a systematic manner, and to this end the new Act should contain clauses defining the powers of the Inspectors, and the conditions which should regulate the necessity of referring proposals for expenditure for their scrutiny and approval. The consideration of this part of the subject will be much facilited by reference to the English Acts; but unfortunately I have not got them to refer to. I will therefore leave it to a future opportunity, and trust that what I have already written will suffice for the present to enable His Honor to proceed with the consideration of local boards' scheme as regards its effect upon the Public Works Department.

No. 425M, dated Dacca, the 16th October 1882.

From—N. S. ALEXANDER, Esq., Officiating Commissioner of the Dacca Division,
To—The Secretary to the Government of Bengal, Financial Department.

WITH reference to your circular No. 5T—M, dated 5th July last, and in continuation of this office No. 387M, dated 23rd ultimo, I have the honour to submit the following report on the introduction of local self-government and the constitution of the proposed local boards in the districts of this division.

DACCA DISTRICT LOCAL BOARDS.

1. MR. WESTMACOTT, the Magistrate, writes as follows:—

Manickgunge.—"The Deputy Magistrate of Manickgunge at first thought that every village in the sub-division ought to be represented on the local board, and regretted that there were only five places, besides the Manikgunge union, in which there would be found a sufficient number of qualified electors; but in his whole sub-division he considered that there would be 368 persons qualified to be electors, and 137 as representatives according to the qualifications proposed in paragraph 13 of Government letter No. 5T—M, dated 5th July 1882. It is not clear whether the 137 are included in the 368 or not.

2 "On receiving my first letter the Deputy Magistrate called meetings at Teota and Bolla, details of which are given in appendix E. The general opinion seems to have been that the local board could not work without the sub-divisional Deputy-Magistrate as chairman, and that the elective principle must be supplemented by nomination of some members of the board by Government. At that time, I think, the people had scarcely begun to understand the proposals submitted to them, which I hope were made to take a more practical shape by the questions proposed in my second letter (appendix F). I have no doubt also that the agitating party had, by the time the later meetings were held, been discussing the question among the people. Indeed, I hear that school-boys have been busily at work collecting signatures for some petition on the subject of local self-government.

3. "On the receipt of my second letter the sub-divisional Deputy-Magistrate held meetings at Manickgunge on the 6th August, appendix G, at Dasora on the 12th, and at Harirampore, appendix I, thana on the 16th.

4. "At the first 37 qualified electors attended, besides other persons, and the Deputy-Magistrate estimated the total number of qualified electors in thana Manickgunge at 198. At the second meeting there were 53 qualified electors; but there is no revised estimate of the total number in thana Jafurgunge. At the third meeting 83 qualified electors attended.

"The first question I asked was as to the wish of the qualified electors for the introduction of a system of electing representatives for a local board, and from the answers I gather that this is their wish. Secondly, I asked how many representatives they would propose for each thana or outpost jurisdiction for each large town or other local area. In thana Manickgunge they mentioned 13 places or tracts which they thought should send up 25 representatives, in thana Jafurgunge 11 places with 20 representatives; but in thana Harirampore they propose the much more practical scheme of sending up 8 representatives from the whole thana jurisdiction, restricting the numbers on the board to 25."

5. Mr. Westmacott's own opinion is—

"That as there are no large towns in the sub-division, each of the three thanas should send up from 3 to 5 representatives, making the total number on the board from 9 to 15. Whether all these should be elected, or whether Government should reserve the power of nominating a certain proportion of them, say one-third, I leave to the decision of higher authority."

As regards paragraph 5, I am of opinion that five members for each thana will be quite sufficient; if more members are elected, the board will be composed of too many members, and it will be difficult to find accommodation for meetings to be held, and the work will be retarded by the number.

6. Mr. Westmacott continues—

"My third, fourth, and fifth questions were as to the proportion of qualified electors who would wish the sub-divisional officer to be the chairman of the local board, or to elect one of their own number.

7. "At the earlier meetings the people seem to have been unanimous in thinking that the sub-divisional officer should be chairman; but at the later meetings there was always a party, though in a minority, who wished to leave the board free to elect their own chairman if they could find one qualified; but I do not find any such violent objection to having an official chairman as I find in Dacca.

8. "I think," writes Mr. Westmacott," it would be wise if the board would have the sub-divisional officer as their chairman for at least two years, in order to have the advantage of his administrative training in organizing a new system of government, and also that they should have one or two vice-chairmen to be trained under him. I do not, however, think it so absolutely necessary that the board should commence operations under the guidance of a trained administrator as I think it in the case of municipalities, wherein there is a complicated organization on which the health of a large community depends, as in the case of the city of Dacca, or wherein a great work of sanitation needs to be initiated, as in the comparatively new municipality of Naraingunge. I see no objection to leaving the board to elect their own chairman if they think they can find a qualified man; but unless it is the intention of Government to nominate some members of the board, I do not think their liberty of choice should be confined to such members. Whether the sub-divisional Deputy-Magistrate be a member of the board or not, it should be open to the board to elect him as chairman; but I see no necessity for giving him a vote, excepting a casting vote, if the board is divided on any question into two equal parties"

As regards Mr. Westmacott's remarks in paragraph 8, I am of opinion that it would be advisable for the first year at least that the sub-divisional officers should be the chairmen, and

that time should be given for the elected members to learn something of the work and procedure, &c. To start at once with totally untrained men seems to me to be courting certain failure.

9. Mr. Westmacott in his report continues—

"Every one appears ready to adopt my suggestion that members of the local board should be elected for two years only, and similarly they agree in thinking that the sub-divisional head-quarters should be the place at which the local board should hold its periodical meetings."

As regards his remarks in this paragraph, I concur with Mr. Westmacott.

10. "As regards the various kinds of work which the people are ready to undertake, the following is the list they suggest; but there are several items which I do not think it would be practicable to make over to them, and the selection must, I think, be left for future consideration:—

1.	Roads and bridges.	To be placed under charge of the Engineer's establishment under the board.
2.	Public tanks.	
3.	Drainage.	
4.	Repairs of ancient religious buildings or monuments.	
5.	Schools of various classes	Sub-Inspector of Schools.
6.	Dispensaries.	Under the medical establishment of the board.
7.	Sanitation.	
8.	Vaccination.	
9.	Epidemic relief.	
10.	Collection of vital statistics.	
11.	Famine relief.	To be arranged by the chairman subject to the sanction of the Commissioner."
12.	Destruction of wild animals and venomous snakes.	
13.	Village chowkidars.	
14.	Licensing of outstills and drugs shops.	
15.	Ferries.	
16.	Pounds.	
17.	Zemindari dâk.	
18.	Licensing tax.	
19.	Road cess and Public Works cess, assessment of.	
20.	Trade statistics.	

As regards paragraph 10, it has not yet been settled whether the boards are each to have a separate establishment or to unite in appointing joint establishments, such as that of road cess, schools, pounds, posts, ferries, &c. Until this is settled it seems to me useless to go into details.

11. *Moonsheegunge Sub-division.*—"The peculiarity of this sub-division," writes Mr. Westmacott, "is that it contains the pergunnah of Bikrampore, which is probably the home of more of the educated Baboo class from which are taken pleaders, clerks, and officials than any other place in Bengal.

12. "Appendix K is the sub-divisional Deputy Magistrate's reply* to my first letter, appendix A, and appendix I is his report on meetings held at five different places after receipt of my second letter, appendix F. He sent in a separate report respecting each meeting; but those I do not think it necessary to submit considering his abstract report sufficient.

* No. 136, dated 25th July 1882.

13. "The five meetings were attended by 391 substantial persons, of whom I am glad to see that 65 were Mahomedans, while 274 were traders, so that there were a number of persons present in addition to the educated Baboos. It was the opinion of these latter, however, that the bulk of the people followed. The Deputy Magistrate's estimate of the number of qualified electors cannot be accepted, because I see that he has included in it a great number of non-resident persons to whom I do not think the franchise should be extended.

14. "The desire to elect representatives for a local board appears to be unanimous.

"There were various opinions as to the number of representatives. There are only two thanas in the sub-division, and I think it would be enough if each thana sent up five representatives. As I said in the case of Manickgunge, I will not discuss the question whether Government should nominate any portion of them or not; but I may say what I omitted to say before that I think, in case of failure to elect with the record of certain proportion of the available rates, Government should nominate representatives, as I recommended in the case of municipalities."

As regards this paragraph, I agree with Mr. Westmacott in thinking that, if a certain percentage of the voters do not record votes, the Government should have the power to nominate the members. I may mention here that I think the thana will have to be sub-divided into circles for the convenience of voters; if the voters have to go all the way to the police station to record their votes, many will be found to neglect to do so.

15. "The opposition to making the sub-divisional officer chairman was," the Magistrate writes, "very strong, some even wishing that the board should be debarred from asking for his services in any case. As in the case of Manickgunge, I am desirous of allowing the board to elect any one they like as chairman, and shall be very glad if they can find a person qualified for the post other than the sub-divisional officer. Should they fail they should certainly have an opportunity of securing the services of that officer.

16. "A majority wish to elect the members of the board for three years. I do not think the matter important; but I am inclined to think two years enough.

17. "All think that Moonsheegunge, the sub-divisional head-quarters, should be the place of meeting. The numbers 30, 50, and 100 were suggested as suitable for number of members on the board. I think no work could possibly be done by so large a board, and have already suggested 10.

18. "As at Manickgunge, the people are ready to undertake any branch of administration that they can get hold of; but, as the sub-divisional Deputy Magistrate remarks, they have very little idea how the business is to be conducted, and he thinks much of what they propose will be too arduous for them—a sentiment in which I fully concur."

Paragraphs 17 *and* 18.—I am of opinion that 10 to 15 members will be found quite sufficient for all practical purposes, and it will be found more convenient to have such a number for the purposes of the transaction of business, as I have said in the case of Manickgunge; and for the same reasons I think the sub-divisional officer should for the first year, at all events, be the chairman.

19. *Naraingunge Sub-division.*—"I have already," writes the Magistrate, "in appendix C given the Deputy Magistrate's answer to my first letter, but have hitherto discussed so much of it only as refers to the municipality.

20. "I have not yet received a full reply to my second letter, appendix F, as Mr. Fraser is still in the interior convening meetings on the subject; but he has sent me lists of persons qualified to be electors according to the standard suggested by Government, shewing in thana—

Roypoora	...	...	...	... 154
Roopgunge	...	...	...	... 148
Naraingunge	...	...	...	... 157

Among these, however, I observe that he has included several non-resident persons whom I know to be in service or employment in other districts. I observe that a great many of the persons qualified as electors are also qualified to be representatives.

21. "The sub-divisional Deputy Magistrate names three non-official natives, each of whom he thinks well qualified to be chairman of a local board, and I shall be glad if one of them is elected.

22. "I have heard from non-official persons that there is a strong wish throughout the sub-division for the introduction of an elected local board, the members of which should elect their own chairman."

Paragraphs 19, 20, 21, 22.—The Magistrate has not stated how many members he considers should be elected for this sub-divisional board. In my opinion there is no great difference between this and Moonsheegunge, and the same number of members might be elected. I do not think that a non-official chairman should be allowed to be elected for the first year at least; after that sufficiently trained persons may be found qualified for the post.

23. *Sudder Sub-division.*—The Magistrate says—

"He has entrusted the enquiries in the head-quarters sub-division to Deputy Magistrate Baboo Krishno Chunder Roy, a sensible and experienced officer, who is also a land-owner and old resident. As his replies to my first letter (appendix A) contained little more than his personal opinion, I have not appended them, classifying them with opinions which I have myself gathered in conversation with individuals.

24. "Appendix M, however, contains his reply* to my second letter, appendix F, after holding meetings at three places selected by me. He is now on his way to hold other meetings. He estimates the number of qualified electors in the sub-division at 652 as follows:—

* No. B, dated 1st September 1882.

Thana Lalbagh	...	...	...	... 174
Kapasya	...	...	...	... 65
Sabhar	...	...	...	... 234
Nowabgunge	...	...	...	... 179
				652

Taking into consideration the payment of road cess and license tax only of those possessing the third qualification, that of income, he gives me no estimate.

25. "The number of persons attending the meetings seems to have been much larger than in the other sub-divisions. My questions, however, have not been by any means clearly answered.

"I gather that the people want an elected local board and a non-official chairman, and it is also suggested that there should be more than one board in the sub-division, which is divided by large rivers.

26. "At this stage of the experiment I am not prepared to propose a local board for each thana; but there are certainly physical difficulties of communication which may render the administration of this sub-division less easy than that of the others. I should allow each thana to send up representatives as follows:—

Sabhar	...	...	...	4
Lalbagh	...	...	...	3
Nowabgunge	...	...	...	3
Kapasya	...	...	...	2
				12

and if Government reserves any power of nomination, I would suggest one nominee for each thana, the other eight members being elected."

Paragraph 26.—I am of opinion that the number should be 15; but any number from 10 to 15 would be a good working number.

27. *General remarks.*—"Having thus commented on such information as has as yet been collected for each sub-division I will now," the Magistrate states, "proceed to make some general remarks on the subject of local boards other than municipal.

"I think one should be constitued for each of the four sub-divisions of the district, or, if there be any doubt respecting the sudder sub-division certainly for the other three; and I think each board should be allowed to elect any one they please as chairman, Government giving the services of an official if required.

28. "Should rate-payers of the city of Dacca and the municipality of Naraingunge be allowed votes, if duly qualified, for the sudder and Naraingunge sub-divisional local boards respectively, or not? I am inclined to think that it is undesirable that they should do so, unless resident in the interior and not in the municipality of which they may be rate-payers. I am not, however, sure upon this point, and must consider it further.

29. For qualifications of candidates, I can suggest no improvement as suggested by His Honor the Lieutenant-Governor.

30. "For voters, I would reduce the road cess qualification to the payment of Rs. 5, and any payer of license tax should be qualified; but the question of income requires consideration. Rs. 500 means about Rs. 41 per month, and many people are desirous of reducing the qualification to Rs. 200. This represents a monthly income of Rs 16 only, and looking to the class of persons who hold clerkships on such pay, I think it too low a qualification, especially as His Honor has suggested no condition of residence, so that in such a constituency as that of Moonsheegunge the representation would be controlled by non-residents, comprising probably a third of all the clerks, pleaders, and native officials in Bengal. I think residence in the sub-division for at least 10 months in the year should be an essential condition to qualify an elector. There is much agitation as to allowing education, such as a university degree, to qualify. This I have considered very fully, and do not see the necessity for it. I would reduce the income qualification to Rs. 240, or Rs. 20 per month, and if a Bachelor or Master of Arts cannot shew an income of Rs. 20 per month in the sub-division in which he is resident, I would look on him as an unproductive idler and unworthy of a vote. The only question is as to the heirs of qualified electors living with their fathers, expecting to succeed to the estate and possessing a university degree, and I think some provision might be made for extending the franchise to them. I am not yet, however, prepared to propose definitely what the qualifications of electors shall be, and have directed the several sub-divisional Deputy Magistrates to invite all persons wishing to be electors to apply, stating their qualifications, and I think that, when I have a number of applications before me, I shall be able to judge what classes of persons desire the franchise, and to consider to what classes of them it should be extended."

I agree with Mr. Westmacott as far as regards the first part of this paragraph; but as regards the property qualification, I think it might stand as it has been suggested in the Government circular, it being a *sine qua non* that the candidate is a regular resident in the district of Dacca. Many of the clerks, &c., alluded to by Mr. Westmacott are non-residents for the greater part of the year in the district in which their property lies and ancestral homes are.

31. "Regarding qualification of share-holders in joint holdings or concerns, the possession of more votes than one, and cognate matters, my remarks respecting the municipalities will apply equally to sub-divisional boards."

The opinion recorded on part I of his report on local self-government on municipalities will apply and may be referred to.

32. "Where an official is chairman, I do not think it necessary that he should have a vote, except a casting vote, whenever the votes of the other members of the board are equally divided.

33. "The polling should be taken at each thana, and perhaps at other places in exactly the same way as I have proposed for the municipality, the sub-divisional officer presiding, and the presence of the elector being insisted upon as essential.

34. "The registration of the qualifications of electors must I think be left for the first election in the hands of the sub-divisional officer, with an appeal from his decision to the

Magistrate of the district. In future I hope the people may be found capable of managing their own elections."

As regards the other remarks of Mr. Westmacott, I think there must always be some revising or controlling authority without which elections cannot even be carried on in England. People here cannot be left entirely to manage their own elections.

35. "I am decidedly of opinion that to give the district officer any powers of control over the local boards will destroy all their independence, and I quite accept the proposal of a central board of control as preferable.

36. "I object quite as much to the existence of a district board as I do to the interference of the District Magistrate; but I think occasional conferences of delegates from various local boards may be desirable and perhaps necessary.

37. "In discussing the question as to the funds which may be made over to local boards other than municipal, I do not find so much difficulty in deciding what matters there are, the control of which may be transferred from Government officials to local bodies, as in deciding what may be better left in the hands of village punchayets than in those of the local sub-divisional board.

38. "In fact the scheme of giving power to local boards, which I am directed to discuss, militates against a scheme of my own, which I have long had under consideration of developing local self-government by adding to the functions, emoluments, dignity, and usefulness of the village punchayets.

39. "With reference to pounds, I think the utility of these institutions is rendered much less than it might be by the great distances from which trespassing cattle have to be brought, and that the gross income of pounds might be enormously increased if they were brought more than within reach of the people for whose convenience they exist. I am therefore proposing that every punchayet should be allowed to maintain a pound, from the proceeds of which it would support the village school and possibly a dispensary, village post office, and other institutions; the loss which Government would sustain from giving up the income from pounds being met by a corresponding deduction from the grant for primary education. But, while I would make the village punchayet a local committee for their school and dispensary, I would give the local sub-divisional board the duty of controlling their educational work by proper inspection, by giving grants to more advanced schools, by giving rewards on examination under what is known as Mr. Harrison's Midnapore system, and by giving scholarships. For these purposes educational funds must be made over to the local board, and I see no objection to giving them the proceeds of the license tax within their jurisdiction. From this also may be met the necessary expenditure on their office establishments.

40. "As regards roads, I think extreme caution necessary to prevent funds being frittered away upon bye-roads of merely local importance to the detriment of the communication of the district generally. For this latter purpose I think a certain proportion of the proceeds of the road cess must always be reserved, especially where a district is so destitute of main lines of road as is the case with Dacca. I do not think local boards can take a sufficiently broad and statesmanlike view of district or provincial requirements, and I believe that if the district road fund were left entirely in their hands, the district would after the lapse of a certain number of years be found well supplied with footpaths, each of a mile or two in length, converging to the several markets, with perhaps a few cart roads of equally limited value, while it would be impossible to drive a cart a dozen miles in any direction.

41. "I think, however, the local board may be entrusted with all funds for the maintenance and repair of existing roads with the trees thereon, and bridges of minor importance; such work as can be done without a trained engineer, and also with any money it may be considered advisable to allow for village roads; but I think the actual expenditure should be entrusted as far as may be to village punchayets.

42. "Local boards might suggest new lines of road; but I do not think the final selection of new roads should be left to them. I think, however, it might be possible for them to undertake the construction of new roads under proper supervision and after full specification of requirements as sufficiently and much more economically than is found practicable with the existing district staff. The repair and construction of large bridges would be left in professional hands. I think the local board would absolutely fail in collecting the road cess from themselves. That must be done by the State.

43. "The licensing of outstills and drug shops, and the tolling of ferries might be very well left to local boards, and the only question would be how to compensate the Government for the loss of the income now derived therefrom by throwing upon the board equivalent expenditure. It might perhaps be balanced in distributing the educational funds."

44. As regards Mr. Westmacott's remarks in the foregoing paragraphs, my opinion is that the four local boards to be established in this district should be made to pay equally the salary of a competent engineer and for one quarter of the salaries of the Deputy Inspector of Schools and Inspector of Excise; each local board to pay half the salaries of a Sub-Inspector of Schools and Assistant Surgeon. These payments could be made from funds derived from the following sources:—Pounds, ferries, and outstills within the limits of the local board's jurisdiction, and from road cess levied within that area. The balance of the salaries might be paid either by local boards of other districts, or by Government as now. I do not think any details can now be settled as it is not yet settled even whether the boards will join together to maintain such officers as the District Engineer, Sub Inspector of Schools,

Excise Inspectors, and the like, or whether they will each appoint their own separate establishments.

45. "As regards the Public Works cess, I do not quite understand what is proposed, and doubt whether it is advisable to make over to a local board the sub-divisional cutcherries, residences, and subsidiary jails, munsifs' courts, and the like.

46. "It remains," writes Mr. Westmacott, "to consider what safeguard there should be against waste of money, abuse of patronage, and neglect of necessary work on the part of the local boards. There might even occasionally occur instances of still graver need for interference. Some form of watching their administration would be necessary and some form of control.

47. "I have already said that the interference of the District Magistrate, if permitted, may at any time reduce the system of local self-government to a sham; but, though the accounts of the boards may be scrutinized elsewhere, I do not see how their executive work can be examined and checked otherwise than by the local authorities. The Magistrate may point out defects and remonstrate; but when the necessity for actual supersession or interference arises, it will be better, if the independence of the local board is to be maintained, that the Magistrate should not himself interfere, but should report the case, invoking the interference of some external authority, and I do not see what better form such external authority can take than such a central board as the Government of Bengal has suggested."

48. As regards the above, I may remark that this is a matter of policy which must be considered and decided on by Government alone. My individual opinion is that the proper officers to control the committee are the district officers and the Commissioners of Divisions. No central board or any such body holding office in a distant capital can so efficiently check waste of money, abuse of patronage, and the like, as these officers. In any new law to be enacted, provision can be made that all employés of the boards drawing salaries beyond a certain amount, say, Rs. 50 per mensem, should not be finally appointed without the sanction of Government or the central board of control; also the maximum amount to be expended on any one work, without the sanction of Government or other controlling authority, might be fixed.

49. The district of Dacca should be, in my opinion, entered as a district under (3) of paragraph 8 of the Government circular. If the scheme of local boards is to be tried anywhere in this division, it must be in the Dacca district, as here it appears that there is the best chance of its being a success.

FURREEDPORE DISTRICT LOCAL BOARD.

Mr. Sharp, the Magistrate, writes as follows:—

"A large quantity of papers has been collected, and long and frequent consultations have been held in many places. The papers with which I have been favoured from non-official sources are annexed in original.

2. "Ever since the publication of the Government circular (No. 5T–M, dated 5th July 1882), I have conversed on the subject with persons of various classes as I have happened to meet them. I also called two meetings of different kinds. For the first I wrote letters of invitation in 'demi-official' form to 55 gentlemen living in or within moderate distance of Furreedpore, who were either known to me already, or who appeared to be qualified by position and intelligence to offer sound advice, and to form a kind of council by whose aid knowledge of the subject might be disseminated, and further discussion might be fostered and guided.

3. "At the same time I had printed notices stuck up at every market-place and village of any size throughout the district, inviting the attendance of all who wished to come at PUBLIC meetings on a later day. The plan succeeded capitally. Fifty gentlemen attended the first meeting at Furreedpore, which was held in the zillah school at 7 A.M. on the 1st ultimo. I explained the contents of the Government circular, and illustrated it by references to the former orders on the subject, and other matters bearing upon it. Many of the gentlemen present were already well up in it, and the meeting was soon put in possession of a very fair knowledge of what had been done and proposed up to that time.

4. "I then begged these gentlemen to spread information among as many persons as they could during the next few days, to invite such persons to attend the public meeting and freely express their views, and themselves to help to *start* the discussion on that future occasion. I also explained the way in which I thought the public meeting should be held, and the position which I proposed to take up for myself in regard to it, viz. that on the principle adopted in Europe the meeting should be convened by me as chief executive officer, but that once assembled it should elect its own chairman, preferably a non official; that I should be present and hoped to hear full discussion by a thoroughly representative body. I described the way in which the chairman should act, the custom of moving, seconding, and putting resolutions, &c., &c., and both at this and at the public meeting, and on other opportunities. I expressly stated that although it seemed best that I should thus call public meetings at Furreedpore and at the two sub-divisions, yet these were by no means to be held to indicate any desire that they should be exhaustive; on the contrary that any persons who wished to meet at other times and places open either to the public or members of classes, or in the way of clubs or associations, would be abundantly justified in collecting and

publishing opinions, and presenting them either to or through me, or direct to Government as they might think fit.

5. "We then began a consultation on the principal points stated in the Government circulars and on kindred subjects. In this first meeting no resolutions were formally moved, and no set speeches made, but I was enabled to ascertain pretty clearly, and perhaps more thoroughly than at the latter public meeting, the ideas of the leading and really intelligent residents of the neighbourhood, and most of the suggestions that I shall make as being expressive of non-official opinion and desire are in fact grounded on the consultation held at this first meeting. I may say that it was the best meeting of the kind that I ever saw. Discussion was free and hearty, but at the same time in admirable order and courtesy, and every single person who came, seemed to have made up his mind to do his best towards really helping on the project without any selfishness or approach to bombast. A list of the gentlemen who attended is annexed (appendix B), and they have my best thanks for their conduct on the occasion and also at the public meeting which followed.

6. "Some points were at the first meeting settled by mere discussion, but on a few others, such as the rate of taxation, &c., which should qualify for suffrage and for membership respectively, votes were easily and quickly taken by show of hands. At this meeting I presided, and those who attended were good enough to pass votes of thanks, on the first occasion, as to the chair, and on the second on the grounds that I had called the meeting and ensured free discussion.

7. "The public meeting was also held in the morning at the zillah school, and was very largely attended by persons of all sections of the upper and middle classes. Baboo Baikuntha Chandra Chakravarty, a resident zemindar, was voted to the chair and conducted the proceedings admirably. Some excellent speeches were made not only by pleaders, but two or three by unprofessional gentlemen, whose delivery, aptitude, and knowledge of the subject were remarkable. A copy of the resolutions carried out at the meeting is given in appendix A, and by the speeches, and especially by such shorter remarks as were applauded or were evidently acceptable, I was enabled, as by the consultation at the former meeting, to gauge the popularity of different views.

8. "The sub-divisional officers were asked to act in the same way, first inviting selected gentlemen to a consultation and calling public meetings to be held on a later day. A copy of my instructions, Nos 1293-4, is submitted in appendix A, together with copies of the two vernacular notices, A and B, and English translations. A puts before the public an exact statement of the Government views on the extension of elective powers to municipalities as contained in the late circular, and upon it the authorized translation of the quoted section of the Act is printed at length. It was also notified that any information on the subject would gladly be given, and many questions in connection therewith have been put and answered; 50 copies of this notice were hung up in and near each of the three municipalities; 150 in all.

9. "Of B, announcing the meetings to be held at Furreedpore, Madaripore, and Goalundo, and inviting the public thereto, 100 copies were posted in each sub division, at all market-places, and large villages; 300 in all. I also supplied copies of the principal papers to Baboo Tara Nath Chakravarty, Government pleader, as one of the leaders of the bar, requesting him in a letter (No. 1410), of which a copy is annexed in appendix A, to allow access to them by others. Additional copies of the rules for election, &c., were also supplied to Baboo Hara Bilash Mukherjee, Secretary to the Branch Indian Association. Besides the two meetings in which I took part at Furreedpore, several were held by zemindars and other residents, and I was demi-officially informed of the general results of some of these. We spoke of local self-government at the meetings of the different committees, and on all kinds of other occasions.

10. "One of the most important towns in the district is Bhanga, 20 miles south of Furreedpore, and as no gazetted executive officer is stationed there, I addressed the first munsif (No. 1409, copy in appendix A), suggesting the desirability of ascertaining the public views on the late Government circular of which I annexed a copy for communication to others.

11. "At the sub-divisions also the people were put in the way of full information. At Goalundo a meeting of the Municipal Commissioners was called to discuss the subject, but at it only three native gentlemen attended. Mr. Badshah, the sub-divisional officer, then invited 26 of the chief zemindars and others at Khangunge, the most central place in the sub-division, but only eight came He explained the scheme, and asked them to take time to understand and form their opinions on the subject. About the same time, while Mr Badshah was in camp, the Municipal Commissioners of Goalundo held an informal meeting, at which about 30 persons, mostly pleaders and muktears, attended. On the 11th August Mr. Badshah presided at a public meeting, previously called under my instructions, to which some 150 persons came. He says: 'There were several leading men present. I should have liked to see more of them. I explained for what purpose the meeting was convened, and invited a discussion and a free expression of opinion' He has taken pains to give a *résumé* of the speeches and the gist of the opinions will be stated further on in this report.

12. "At Madaripore a public meeting was held on the 8th ultimo, at which a very large number of persons attended, and it is satisfactory to note that none of the five thanas were unrepresented Some of them are very far from Madaripore, but the sub-divisional officer,

Baboo Kali Nath Bose, reports that there were at least four or five persons from every one. The greater number naturally came from thana Madaripore and the neighbouring thana Palong. He had also sent letters inviting the well-known residents, and acquainted them with the scheme, which was also fully explained to the people, especially in regard to elections. A further meeting was fixed for that day week, so that in the interval there might be time to discuss and form opinions.

13. "In Bhanga, already mentioned in paragraph 10, three meetings were held by the People's Association, and copies of the proceedings were sent to me; the copies are submitted in appendix C. Two public meetings were also called under the auspices of this Association and of the local munsifs, to whom I had written as stated in paragraph 10 and appendix A, and the inhabitants of the three southern thanas of the head-quarters sub-division (Bhanga, Ayanpore, and Magsudpore) largely attended these meetings. The Association also sent special delegates to the public meeting held at Furreedpore on the 8th ultimo. That part of the district has therefore had a double series of opportunities for stating its views.

14. "The first munsif favoured me with a full report, and he thus describes the proceedings:—'After the return of Baboo Koylash Chandra Sen and his colleagues, the delegates to the Furreedpore meeting, and encouraged by the interest taken by you in their presence there, the meeting alluded to above was gladly convened on the 14th instant, which, though preceded by a short notice, was attended by not less than 500 persons, representing all classes of the people residing within the jurisdiction of the Bhanga munsif. I along with my colleagues, the second munsif, Baboo Jogendra Chandra Mullick, and extra munsif Baboo Purna Chandra Dey, were present at the meeting; Baboo Bipin Bihary Roy of Manickdoha, a well known leading zemindar of this part of the country, presided at the meeting, and the eagerness and the attention with which the scheme was discussed and listened to shewed the greatest earnestness on the part of all assembled. * * * * *
After the receipt of your letter on the 17th, another meeting was, at my suggestion, convened and held yesterday in which the same subjects were discussed, and the attendance which was a very respectable one, evinced still more interest in the matter. This meeting was presided over by a representative of one of the oldest Raja families of the country, viz., Raja Prasanna Chandra Roy of Ujani. I along with my colleagues attended the meeting.'

15. "The second public meeting at Bhanga also appointed a committee of 17 gentlemen with power to add to their number for the purpose of explaining the Government scheme to people in the interior. Memorials on this subject were also presented to His Honor the Lieutenant-Governor on his late visit to Furreedpore, of which copies were previously supplied to me by the Furreedpore People's Association, by the Bhanga People's Association, by several residents of Madaripore and its neighbourhood, and by 148 residents of Bhanga and its neighbourhood (appendix C), submitting the proceedings of the two public meetings mentioned in paragraph 13.

16. "A meeting was also held at Gopalpur in the Madaripore sub-division, at which a memorial (appendix D) was drawn up and signed by 645 persons, praying for a local board in that sub-division and for the elective system. The two last-mentioned memorials have been made over to me, and I now submit them with this report, in which remarks upon them will be made further on. The one marked appendix C was handed to me by His Honor after he had heard and replied to it, and that marked appendix D was transferred to me by post from the Private Secretary's office.

17. "I have also read a long letter, containing remarks worthy of notice, from Baboos Shyama Shankar and Girija Shankar Majumdars, zemindars of Baniboho, in thana Belgachi. I had written to ask their opinion, also inviting them to the first meeting; but as they were among the few who could not come, I was glad to have their views on paper.

18. "It will be seen from the above that the people of this district have had the fullest opportunities of information, of consultation, and of stating their sentiments, and it seems right to describe these matters very fully as an introduction not only to the opinions contained in this report, but to future letters that may be required in connection with any part of the subject which may thus be considered with the assurance that this office has means of appraising popular views, and that all classes have had facilities for airing their own particular ideas.

19. "All the memorials, resolutions, and letters received from non-official persons unite in recommending (1) the creation of local boards; (2) the elective system both for such boards and for municipalities; and (3) the election by the members of the board or committee of their own chairman, preferably a non-official. But it will be seen that these statements of desire must be practically taken with some qualifications.

20. "Each of these three points is included in resolutions II and III (appendix A) of the public meeting held at Furreedpore on the 8th ultimo. Mr. Badshah writes of the public meeting held at Goalundo on the 11th ultimo—'There was a consensus of opinion that the proposals of Government should be accepted and welcomed. But none of the speakers entered into details. The two leading ideas in their heads were that the members of the local committees should be elected by local suffrage, and that the chairman should be, if possible, a non-official. But when discussing the last proposal, most of the speakers addressed the meeting with a certain diffidence and hesitation. If they could get a non-official chairman they seemed to think it would be the best thing for them. But they

seemed to doubt whether they could get such a person in this sub-division. Many speakers carried away by the enthusiasm of the moment did not express this doubt—this diffidence. But in course of private conversation with me they betrayed their real feelings. They thought that no man could undertake the onerous duties of a chairman, as no man could spare time or incur the expense of constantly going to Goalundo. More than once I was asked if the chairman would receive any salary for his work. So far I have gathered from the most enlightened, the most influential, men of the sub-division.'

21. "Reporting a 'very able and eloquent speech' by the first munsif, he further writes—'He called upon his hearers to come forward and undertake the duties which Government required them to do. He denied that people were not able to bear the burden. He urged on the zemindars present to come forward for the office of a chairman. That they would have to undergo much trouble, expend large sums of money, devote a great deal of time to their work, he did not deny; but for the public interest they ought to accept the burden. He ended by moving two resolutions—(1) That the meeting is very grateful to Lord Ripon for his generous policy; (2) that the meeting accepts in all its details the scheme propounded by Government, and leaves to it the method of working it out.' The resolutions were carried unanimously.

22. "But further doubts enter in. Of his *first* meeting with the leading residents specially invited he says—'From what I could gather from them, the leading men seemed averse to any change in the present system, with the exception of two gentlemen, one Faiz Baksh Choudhuri, a part owner of the Belgachi pergunnah, and the other Ishan Chandra Ghosh, a retired pleader.' Another speaker at the public meeting 'described the duties of a vice-chairman and chairman, and called upon his hearers to declare whether these duties can be efficiently discharged by them. He also desired that the number of members of the committee should be large, as the members cannot attend the meetings often, both on account of expense and the trouble of coming a long distance.'

23. "Baboos Shyama Shankar and Girija Shankar Majumdars (mentioned in paragraph 17) intimate a similar difficulty in the following passage:—'The desire of a person to represent his fellow and neighbouring villagers would be great; but we fear that the ability to attend the board would be very much curtailed by the distance, the want of facilities of communication, the expense required for the journey, and all sorts of inconveniences arising therefrom. The success of the measure would depend much upon the punctuality of attendance, and in order to ensure it we would humbly suggest that some such rule might be framed, that if a member be absent from six successive meetings a warning is to be given to him, and that if in spite of that warning he still remains absent from two or three other successive meetings, his name is to be taken off the list of members, and the voters of his ward directed to elect another in his place. The member so excluded should not, however, be debarred from offering himself as a candidate for membership in the next general election.' Considering the small area of the Goalundo sub-division in which these gentlemen live, and the unusual facilities of communication enjoyed by its inhabitants, one might fear that a board at which absence at eight or nine successive meetings is contemplated as a not unlikely event, would hardly be energetic and persevering in the despatch of public business."

As regards this paragraph, I can only say that if such very lax attendance is prognosticated now when the scheme is new and people are more or less enthusiastic about it, there is very little hope of a local board at Goalundo being a success.

24. "Mr. Badshah thus somewhat diffidently sums up his report on popular opinion—'The interest taken in the new scheme is not so strong as it should have been. Many of the leading men have kept aloof from the agitation. But for that reason I would not recommend that the boon of local self-government should be denied. There are many men who understand the question, whose natural longing is to come forward and undertake the duties which they are required to perform under the new scheme.'"

25. On the subject of a local board for the sudder sub-division of Furreedpore, Mr. Sharp writes—

"There are in and about this station a fair number of very intelligent gentlemen, who have, moreover, proved their energy and attention to public business. One at least devotes a great deal of time and pains to it. I believe that a local board here constituted would be likely to succeed quite as well as in most other districts, and I recommend the trial. I have some apprehensions whether there is a large enough number of qualified gentlemen to admit of many *changes* at future elections or appointments; but I do think that the number is large enough to justify a beginning. *Most* indeed of those of whom I think are pleaders (though of these several are also holders of land in the district); but some are unprofessional. Among these there are some who would, in my opinion, be competent chairmen of a local board under the new system. I would therefore recommend that the head-quarters local board be allowed the power of electing its own chairman.

26. "The power ought, however, to be continued, I think, only so long as the committee are able to find a competent non-official chairman. It would be undesirable that a Magistrate, Collector, or other executive officer should discharge his functions as the tenant-at-will of an elected committee, and the following considerations seem to be of greater and real importance. Privilege should connote duty, and it would be opposed to the principles of self-government to allow the mere option without the necessity of finding means and men to do the work. It would be demoralizing if, besides obtaining self-government as a gift rather than as a thing

won, the people should not be called upon even to keep the instrument bright with use, and should be able to exercise control without responsibility, putting up one of themselves when it suited them, but otherwise lazily leaning on the old props and getting their work done at cost of time and pains not their own."

I quite agree with Mr. Sharp in his remarks in this paragraph; if there are persons (non-officials) who are capable of doing the work, by all means let them be unhampered; educate them not to lean on Government officers for support; but if properly qualified persons cannot be found, we must fall back on officials or salaried officers of some sort. My own opinion is that pleaders and merchants have not sufficient leisure; they will not give up time more profitably spent in making their fortunes in order to look after what they would consider other persons' business.

27. "It is not of much moment, in my opinion, whether an official chairman, if there be one, has or has not a vote. He has generally a good deal of influence by his position, and though it is now the fashion to decry this influence, yet to destroy that influence would be to forego the use of such wisdom as may be the outcome of training and experience. It is a mistake to think that deference to the views of an official chairman always springs from his *power* as an executive officer. Sensible men are apt, in the majority of cases (without giving up their freedom of selecting those in which they decline it), to follow the advice of men whose knowledge and ability in the matter on hand they feel to be greater than their own. On many points the resident non-official members are better advisers than a Magistrate-Collector, and he himself, if he knows and does his duty, will welcome their opinions on that footing. On the other hand, there are many points on which he has means of forming a sound decision quite beyond theirs, and under such circumstance to profit by the advice of such a man is neither cringing deference nor anything other than what is done by the freest and most enlightened assemblies in the world.

28. "Many of the foregoing paragraphs touch on the questions connected with local boards, and I have already (in paragraph 25) recommended the constitution of a local board for the head-quarters sub-division, which consists of five thanas, for each of which there should be two elected members in addition to five (in all) appointed members; total 15. For this sub-division the thanas might conveniently be the elective wards. I would also recommend that the board should be allowed to appoint its own chairman, subject to the proviso suggested in paragraph 26.

29. "Mr Badshah has said little of these boards, and the sub-divisional officer of Madaripore has not yet reported on the subject at all. I waited some time for his report, and have now had to write this without it. This would nevertheless have been ready some days ago, but for an attack of fever which made me quite unable to do work of this kind properly. Mr. Badshah says—'I have been unable to discuss the details of the scheme with the people of the sub-division. It was very difficult for them to grasp the general ideas of the scheme, and they were unable therefore to descend into particulars. It is with hesitation therefore I recommend that a local board be created in this sub-division. If it can be useful in any other sub-division of Eastern Bengal, it will be useful here' * * * and 'as regards the appointment of a chairman, I do not think that any man resident in the sub-division has the intelligence, education, time, and influence to enable him to make a good chairman. I know that some people whose homes are in the sub-division, but who reside in other places, can very well act as chairman; but the appointment of such men is simply out of the question, because they do not reside in the sub-division at all.'

30. "I do not quite understand why he has been unable to discuss this question with the people. They seemed to enter eagerly into it here. The absenteeism which he mentions is indeed a serious matter, and unluckily clings to all parts of the district. Mr. Jeffery was led by this and other considerations to pronounce (No. G—812, dated the 23rd December 1881) against any plan of self-government; but I am by no means content with his somewhat offhand verdict. Since I have been here the landholders have not shewn that invariable failure in attendance on which he comments; and although there is, as has been pointed out (paragraph 25), a difficulty of making any large *changes* among the members, I think that when it has been resolved to extend self-government to all districts, save those which present special circumstances of real difficulty, it is clearly right to offer a full and fair trial here. With reference to paragraph 10 of the late Government circular, I may state my belief that the intelligence among those who would be *electors* is certainly up to the average, and though there may be now comparatively few likely to make able and energetic members, yet there are enough, and the intelligence of the electors aided by the education that consists in the employment of such privileges may be reasonably expected to call forth in due time a larger number of qualified candidates.

31. "The petition (appendix D) from inhabitants of Madaripore prays for a local board; but in regard to the sub-divisional officer's letters, it would seem better to postpone the constitution of such boards in both the sub divisions. If the first board 'succeeds well I should be inclined cordially to recommend another. Mr. Pellew was inclined to have one at first limited to one thana, or even to part of a thana (No. M—263, dated the 24th July last); but I venture to think there would be great difficulties in working so small an area with a board apart, and besides I do not think that such a limited exercise of functions as would thus be called into play would attract the best men. The trial would hardly be fair. The members could deal with only one or two roads, and one or two schools, pounds, &c.,

and their authority would be in a continual state of deference and adjustment with other officers

32. "If a local board were constituted for the head-quarters thana, the majority of the members would probably be elected from among those already on the district road cess committee, and the double position might cause much embarrassment, while to declare the ineligibility to one board of the members of the other might deprive, whichever of the two should be held the less disqualified, of the services of the best men.

33. "There will be some difficulty in arranging for the efficient performance of work in outlying sub-divisions or thanas when a local board is constituted for the head-quarters sub-division. In such cases it is notified that a committee corresponding to a branch committee under the present Act will administer the outlying tracts; but a branch committee can only exist in connection with the district road committee, which would thus sit away from its chief remaining work at head-quarters, where also the local board would almost independently control the neighbouring thanas. The position seems to be one which may lead to inconvenience. In such a case the branch committee might be entrusted with the fullest powers allowable by the Act, and a larger number than usual of its members might be appointed members of the district committee. They could thus come into vote on the distribution of funds, and do most of their own executive work in the branch committees; but I doubt whether the difficulty would thus be adequately met, and would invite further consideration of the point.

34. "The people of Bhanga have urged their claims for a separate local board to be constituted at that town and to administer thanas Bhanga, Magsudpore, and Ayanpore. Their case is stated fairly and without exaggeration in paragraph 4 of the petition (appendix C) presented to the Lieutenant-Governor at Furreedpore—

'4. That your petitioners beg most respectfully to represent that Bhanga, though not the seat of a sub-division, is nevertheless an equally important station, whether considered as the centre of commerce and all sorts of business of this part of the country, where, in consequence of its advantageous position at the confluence of three rivers, a brisk trade is actually carried on during the whole year, or a civil station where three munsifs' courts are located to administer civil justice to the people residing within the three thanas, comprising the Bhanga munsifee, and the sub-registrar of deeds and the Mahomedan marriage registrar of Bhanga hold their offices, where the police station is situated, where there is a Government aided school and a post-office, and where there is a political association, called the Bhanga People's Association, or whether viewed in regard to its almost central position in the district, or the extent and intelligence of its population, or the great number of middlemen, whose welfare and properties are at stake in the management of the proposed board.'

"The substance of this has been affirmed in the resolutions in appendix C. I should be inclined to support the application on the terms stated in paragraph 31; but for the present it is better to have one local board only, and at Bhanga there is the special difficulty of the absence of a gazetted executive officer. There ought in my opinion to be a sub-division there, and I shall probably submit this question for separate consideration. If a sub-division should be established, its position as regards a local board would be similar to that of Madaripore now."

As regards paragraphs 32, 33, and 34, I do not, I confess, understand how a local board for a thana or sub-division is going to manage its affairs and leave the rest of the district to be managed as it now is, nor does Mr. Sharp record his opinion as to how it is to be worked. However, as he is of opinion that properly qualified members for such a board are forthcoming, his proposal may be sanctioned, and a local board elected for the sudder sub-division.

35. This district should accordingly fall under class (2) of paragraph 8 of the late Government circular.

36. "The opinions communicated to me on the qualifications for voters and for candidates are very various; but their general tendency has been not only to greatly lower the scale of rates proposed by Government, but to admit professional men and others quite irrespective of payment The latter point is directly opposed to the words in that paragraph—'Mr. Rivers Thompson is distinctly of opinion that the ownership or occupancy of some kind of property, or the direction of some trade or business in the area to be represented should be an essential condition of the franchise. * * * * * * * It is essential that both the voters and the candidates should have some stake in the locality.' As instances of native views I may refer to paragraphs 4 and 5 of the Gopalpur petition (appendix D), paragraph 3 of the minutes of the Bhanga meeting of the 14th August (appendix C), and paragraph 3 of that of the 21st idem, proposing further reductions.

37. "On the other hand, Baboos Shyama Sanker and Girija Sanker Mozumdars (appendix E, paragraph 4) consider the qualifications stated in the Government circular to be just and proper; but they raise the pertinent question of granting separate votes to each member of a family paying joint-rates Their views appear to be well entitled to consideration.

38. "A fair solution would seem to be the grant of one vote to each family for every Rs. 10 license tax, or Rs. 25 road cess, provided that no more votes be allowed than there are adult recorded sharers. So long as the family remains undivided, it might be required, as in other business, to give each vote in the name of all the members, or each member might be

allowed one vote up to the limit of the number of votes that could be held by individuals making separate payments, aggregating the same amounts of road cess and license tax respectively.

39. "The reason of the proviso is the extraordinary consent with which every one of my advisers has protested against the suggestions made in the Government circular, that a single rate-payer should have a number of votes corresponding to the amount of his payment. In the meeting here of the 1st August the proposal was unanimously deprecated, and this view seems to be a healthy sign of a wish to commit power of the people *en masse* rather than to the already influential classes. The reports from Goalundo corroborate this view. Mr. Badshah writes—'To increase the number of votes to be given by individuals will tend to enable big zemindars to send in their own nominees. It is a well known fact that practically the zemindar is a very powerful man; he directs in ordinary matters of life his ryots to follow a certain course, and it is followed without much hesitation. By enabling him to give more than one vote, he will be able to return a man of his own choice, although he may not be the fittest person, and the consequence will be that the boards will be filled with nominees of zemindars.'

The course recommended by Messrs. Sharp and Badshah, viz., the giving of votes to the mass (in this part of Bengal agriculturists) would, I should say, for this very reason, give great power to the zemindar, and he would work his tenants and make them vote his way; whereas if there were a money qualification, giving extra votes to those paying extra tax, many merchants and men of business would have extra votes and be better able to contend the zemindar's influence.

40. "The payments proposed in paragraph 10 of the Government circular appear to meet the circumstances of this district; but I venture to propose, as a fair concession to the weight of native opinion, that half of those payments should qualify in the case of any person falling under any one of the classes (*d*), (*e*), (*f*), (*g*), (*h*), (*i*), (*j*), (*k*), and (*l*) in paragraph 38 (*vide* paragraph 9 of my letter No. 387M—A, dated 25rd September 1882, regarding Furreedpore second class municipality)—

(*d*) 'Who holds a title granted by Government;
(*e*) Who holds a certificate of January 1877;
(*f*) Who has been exempted by Government from personal appearance in civil courts;
(*g*) Who has been exempted by Government orders from service as a juror or as an assessor;
(*h*) Who holds any university degree;
(*i*) Who is commonly recognized as a pundit, a moulvie, a kazee, or as holding any academic title proceeding from any Sanscrit, Oriental or normal school, or any madrassa;
(*j*) Who is a teacher in any Government, municipal, or aided school;
(*k*) Who is a barrister, attorney, pleader, muktear, or marriage registrar; or,
(*l*) Who (in the language of section 406, Code of C. P.) openly and constantly practises in the profession of physic. I think that such an arrangement would tend to promote the object stated by Government—'the gradual training of the most capable and influential men in the community to a participation in the business of the part of the district in which their interest lies.'

41. "To ascertain the number of *persons* paying road cess of Rs. 10 and Rs. 25 respectively *and upwards, and living within a given area*, would be a work much more difficult and tedious than was apparently estimated, and its magnitude may be appreciated from a note by the Cess Deputy Collector, of which a copy is annexed (appendix F). The cess registers, unlike those of the License Tax Department, take no account of the residence of the payers; and even after finding the amounts paid by individuals, the residence (which is the point at issue) of a vast number would still be unknown without minute enquiries. The number of estates is extraordinarily large in this district, and the apportionment of joint-payments among different persons is extremely minute. Without stopping ordinary work to an extent which I think not intended, it would be impossible to make a complete list of such persons; but the revenue agents have been questioned, and they have supplied lists which are, however, quite imperfect.

42. "In the margin is an approximate list of the persons who would be qualified respectively as voters and as candidates by payment of the sums specified in paragraph 10 of the Government circular; but I venture to think that, when the terms of the franchise are fixed, all who will care to *vote* will also care to register their names, and the testing of their claims will be easy enough when the names are put in, though the production of the names without such previous indication is very difficult. People whose names have to be found out for them by official action are not likely to send in their votes, and while it would be desirable to notify the names of those who can be identified according to their residence as payers of license tax, it will, to the best of my belief, be enough to publish in every village a clear statement of qualifications, and an invitation to all others who would exercise their right to cause their names to be registered.

	Voters	Candidates.
Head quarters sub-division ...	705	82
Goalundo ditto ...	453	105
Madaripore ditto ...	768	176

43. "Baboos Shyama Shanker and Girija Sanker Mozumdars offer the following remarks on this part of the question. The people 'should be called upon to offer themselves as

candidates if they like, and to represent their residence, and on such offers and representations being made, a revised list of the qualified candidates for membership should be prepared, and such revised list, as also the list of qualified voters, be printed and published in all thanas, post-offices, principal villages, and other conspicuous places, calling upon the voters to submit their voting papers, printed forms of which should be kept for distribution in all thanas, post-offices, &c.'

44. "On the subject of polling they write—'The village post-offices, which are many in number, might, we beg to suggest, be utilized by requiring every voter to sign his name, as also the name of the candidate for membership whom he would vote for in the voting paper, in the presence of the postmaster, who should be directed to countersign the same as a witness. If any voter has any objection to the same, he may sign his paper in the presence of two other qualified voters who would sign their names as witnesses thereto. The papers may then be sent to the thana direct or by the post,' and the plan seems practicable and useful.

45. "These gentlemen are, as on other subjects, very moderate in their views of the powers to be exercised by the board. They say 'the road, education, and dispensary matters may, we hope, be safely entrusted.' Some are, however, very much more ambitious. There was at the Goalundo meeting some expression of a wish to have the assessment of the license tax, and to this the Bhanga public meeting would add the Public Works cess and other funds. It also passed an unanimous resolution that 'power be given to the board to levy or abolish additional tax if necessary.' I do not think it would be well to commit the assessment of the license tax to the boards till they have proved themselves in matters of less difficulty. Nor would they be willing probably to discharge the duties of that department if they really know how onerous they are.

46. "This district for instance would eagerly welcome a large share of the Public Works cess, for the representatives of the people are now prone to complain that what is collected from them is spent largely on feeder roads in other districts (as Rajshahye, Bogra, Dinagepore, &c.), the superiority of whose claims they are unable to recognise, while no grant has been made to those of this district where the need is none the less great. Thus, if a large or even a moderate share of that cess were localised, the advantage of this and of other districts would be equalised to that extent. To that same extent, however, the advantage of some other districts would suffer by the localisation, and Government, which sees and can adjust the claims of all, must alone decide on all the merits of the case. It is not easy therefore to report on this point as regards a district thus situated, otherwise than to the effect that the more complete the localisation of the proceeds, the more suitable would the decision be from its own point of view.

47. "My recommendation of non-official chairman wherever possible implies preference of control from without rather than from within the boards. Sanction to expenditure and to works involving professional consideration would apparently be acceptable much on the lines of the procedure now adopted in connection with the road cess committee; but there seems to be a strong feeling that in respect to the selection of works and their localities, to the decision of the amount to be spent upon each, and to such matters not needing professional advice, the boards should have greater freedom than is now allowed by sections 151 and following of the Cess Act. Some gentlemen have not unreasonably urged that in practice the committees are reduced under these sections to little more than consultative bodies, for not only the total and the general arrangements, but every detail in their budget estimate may under the present law be changed.

48. "Nearly all seem to admit the necessity of control by central authority, and of provision against the possibility of local abuses, class prejudices, &c.; but they are inclined to think that alterations of their resolutions on matters so essentially affecting their particular charge as budget estimates should proceed only on tangible and ascertained grounds of that kind, or on clear professional advice, and that the views of the local committee should not be liable to large or fundamental revision, proceeding on the general opinion that other projects would be more suitable. Only a few opinions have reached me on the subject of the central board of control, consisting of selected representatives, and they are in favour of its constitution."

49. The district of Furreedpore may be classified as coming under (2) of paragraph 8 of the Government circular, a local board being appointed for the sudder sub-division with head-quarters in the town of Furreedpore. There should be 15 members, three being elected by each of the five thanas which comprise the sub-division. In my opinion it would be better if the Magistrate and Collector were for the first year at least to be the chairman.

50. As regards the other divisions of the district, Goalundo and Madaripore, I notice that even at the very outset it is prognosticated that there will be great laxity of attendance on the part of the members of the local board if one is established for Goalundo, and it does not appear that there are any well qualified residents within the sub divisions of Goalundo and Madaripore from among whom a local board can be elected. These sub divisions must therefore remain as at present.

BACKERGUNGE DISTRICT LOCAL BOARD.

As regards the district of Backergunge, Mr. Fiddian, Officiating Collector, writes as follows:—

"The sudder sub-division is the only one in which the formation of a local board, referred to in paragraph 8 of Government resolution, appears practicable or at least desirable. The

officers in charge of the outlying sub-divisions, viz., Perozepore, Patuakhali, and Bhola, after holding meetings and duly considering the question, have arrived at the following conclusions:—

2. "The sub-divisional officers of Patuakhali and Perozepore agree in considering a branch committee preferable to an independent local board. In Patuakhali the meeting held on the subject agreed with the sub-divisional officer.

3. "In Perozepore resolutions were passed in favour of a local board; but as the proposed board would be under the control of the sudder board at Burrisal, I do not see that it would differ materially from a branch committee (or branch board).

4. "As regards Bhola, the sub-divisional officer recommends a local board subject only to the controlling authority mentioned in paragraph 14 of the Government resolution; but I do not see any warrant for such a suggestion, or in what respects the sub-division is specially fitted for independent action. There has not even been a municipality in the whole of the sub-division; the zemindars are non-residents, and the only ground put forward in support of the suggestion is that there are a number of independent talukdars within the area of the sub-division. In this respect all three sub-divisions should be treated alike, nor can I see any essential difference between them.

5 "As a rule the zemindars are absentees, and of the middle classes the bulk of the people are ignorant and uneducated cultivators, who have accumulated a little money and so become respectable. The necessary materials for even a tolerable local board are not at present to be met with in any of the sub-divisions, unless indeed officials and pleaders connected with the courts are to form a leading element.

6. "In the sudder sub-division there are six thanas, of which the Kotwali (or Burrisal) thana, Gournadi, and Mendigunge constitute roughly the centre and north of the sub-division, and the remaining three, Jhalakati, Nalchitti, and Backergunge form the southern portion. This latter portion, viz, Jhalakati, and Nalchitti, and Backergunge I propose to form into a separate branch committee or board, similar to those in the outlying sub-divisions. At present there are municipalities at Jhalakati and Nalchitti which have given some training to the residents there, and there is one union at Backergunge. They are also important centres of trade. Such materials as there are for self-government in those three thanas would have a better opportunity for devolpment in a separate branch board than if they were included in the Burrisal board. As, however, they lack the services of an experienced and responsible person like the sub-divisional officer, it would be necessary to make the Magistrate of the district or the chairman of the Burrisal board their presiding officer, and Nalchitti, being within easy reach of Burrisal and central for the three thanas, would be the most suitable place at which to establish the branch office.

7. "This district would therefore come under class (2) of paragraph 8 of the Government resolution, and the arrangements I beg to propose are—

(1) "A local board at Burrisal for the larger portion of the sudder sub-division, viz., thanas Kotwali, Gournadi, and Mendigunge.

(2) "A branch board, *i.e.*, branch committee, at Nalchitti for the remaining thanas of the sub-division.

(3) "A branch board for each of the sub-divisions Perozepore, Patuakhali, and Bhola."

Election of members and appointment of chairmen.—"The next point to be considered is the election of members and appointment of chairmen.

"The principle of electing members by popular vote can only be sparlingly adopted in this district, because the inhabitants are mostly cultivators, living in isolated homesteads, and somewhat exclusive in their habits, so that they are not accustomed to act together for the public good.

"There are one or two thanas, parts of which contain much larger number of educated and business people, and in these the experiment of electing members might be tried; but as a rule this procedure would be either nugatory or altogether untrustworthy.

8. "As regards the outlying sub-divisions, the Deputy Magistrates in charge of Bhola and Patuakhali agree in the opinion that the members should be selected by Government.

"In Perozepore the Deputy Magistrate thinks that one-third should be nominated by Government and the rest elected. The meeting which was held here preferred that all the members should be elected. The Deputy Magistrate himself, however, admits that both voters and members are to be found only in parts of two thanas, Sarupkati and Perozepore. Why, under those circumstances, there should be election in the case of the remaining two thanas, Bhandaria and Motbaria, where there is scarcely any one to vote, does not appear. The meeting which was held represented mainly the neighbourhood of the head-quarters and not the whole sub division. I could not therefore speak for the whole sub-division. The eastern portion of Sarupkati thana is thickly populated, and contains a considerable number of Baboos and educated people. That thana and Perozepore thana are the most suitable portions of the three sub-divisions in which to try the experiment of election, and I think there would be no risk whatever in attempting it there. If the experiment failed, the Government would then be able to nominate members instead.

"With the exception of these thanas, then, I would recommend that the system of electing members be not introduced into any of the above three sub divisions.

9. "For the branch board of thanas Jhalakati, Nalchitti, and Backergunge I would recommend that the members be selected by Government in the first instance. It will be

a sufficient advance to give them separate action as a branch committee without attempting a so entirely new procedure as the election of members by popular vote. The local board at Burrisal should consist partly of elected and partly of nominated members. 'The sudder or Kowtali thana includes the town and sub-division of Burrisal, and in the mofussil contains the homes of many zemindars and other educated persons. The system of election by popular vote might be fitly introduced there. In this case and at Perozepore the voters living within 10 miles of the polling station should, I think, be obliged to come in and record their votes. Those who live more than 10 miles away might give their vote in writing.

10. *Appointment of chairman.*—"In Bhola, Patuakhali, and Perozepore there is, in my opinion, no suitable person besides the sub-divisional officer for holding the post of chairman Munsifs are debarred from such offices; pleaders would not give the necessary time; and minor Government officials, such as a head clerk or police inspector, or even a sub-registrar, would not command sufficient weight. As far as I can learn there is no non-official in any of the sub-divisions who could safely be entrusted with the management of the branch committees, and is at the same time willing to give his time and attention to the duties of the office.

11. *Appointment of chairman in sudder sub-division.*—"At Nalchitti there is no sub-divisional officer, and it would be preferable, I think, to make the Magistrate of the district, or chairman of the Burrisal board, the head of that branch board. It would also prevent local jealousy between Nalchitti and Jhalakati, two rival communities. As regards the Burrisal local board there are no doubt non-officials competent to undertake the office or chairman, and I think the board might safely be trusted with his nomination, the general sentiment being in favour of this step. It is not equally certain that any one would be found willing to accept the appointment, or that they would not be obliged to fall back on an official. In the latter case the Government should reserve a controlling power to accept of reject the nomination.

12. *Qualifications of voters.*—"As regards the qualifications of voters those suggested by the Government appear to be the most suitable as an index of the voter's income and position in life, viz., the payment of Rs. 25 road cess, Rs. 20 license tax, or an income of not less than Rs. 1,000 a year for members, and Rs. 10 road cess, Rs. 10 license tax, or an income of Rs. 500 a year in the case of voters.

"The test, however, in respect of road cess would be a difficult one to apply in this district, as each man who pays in the cess does so on account of so many other tenure-holders and cultivators besides himself. I have consulted the Road Cess Deputy Collector who has had much experience, and I agree with him in thinking that it would be a work of great difficulty and magnitude if not an impossibility to prepare even an approximate list of those who pay a given amount of road cess on their own account. In prepairing any estimates, we should be obliged to content ourselves, I think, with the statistics of license tax and of general income so far as the latter can be gauged, and leave those who claim a vote on the ground of road cess payments to come forward and establish their claim for themselves.

"The figures shewing the estimated number of persons qualified to vote or to be members are given in the table B annexed to the report.

"Residence within the area of the local board or branch committee should be an essential requisite of membership.

"The proposal of the Government for cumulative voting seems reasonable.

"Taking for example the basis of license tax assessment, to vote might be allowed for a voter paying Rs. 20 license tax, three for Rs. 50, four for Rs. 100, and five for a payment of Rs 200 or upwards.

"Instead of 123 votes of the lowest class in the sudder thana and Burrisal town, and an aggregate of 65 in all the other classes. we should then have a proportion of 103 to 167, which seems more equitable. The same proportionate cumulation of votes might be allowed in regard to the other forms of qualification"

13. As regards the above, I concur with the Magistrate in this, as I have assigned my reasons in my remarks on the Furreedpore report.

14. *Arrangement of wards.*—"No other arrangement of wards apart from thana seems necessary. It would be a difficult matter to divide one thana into two or three wards, and as in the thanas proposed for the trial of the elective system there could be actual polling in one circumscribed locality only, it would not be worthwhile to make the remainder of the thana into a separate ward.

Form of voting.—"No special form of voting seems necessary. Voters within a fixed distance of the polling station, not more than 10 miles, might be required to record their votes in person, while those living at a greater distance could be allowed to do it by letter.

Number of Members.—"For the sub-divisional branch committees, I would recommend the following number of members:—

"Bhola 12, Patuakhali 16, Perozepore 16. Bhola is a small sub-division, comprizing two thanas. The other two sub-divisions contain each four thanas. In Perozepore sub-division four members might be allotted to each of the four thanas, and in Sarupkati and Perozepore thanas three out of the four members might be elected by the voters. In Bhola and Patuakhali all the members should be selected by Government. In the Sudder sub-division I would recommend 15 members for the Nalchitti branch committee and 18 for the Burrisal local board. The Kotwali or the Sudder thana being much the most important of the three thanas,

nine members should, I think, be allotted to it; six to be elected by the voters and three nominated by Government. Government would nominate the members for the other thanas, but should not be restricted as to the locality from which to choose if sufficient suitable members are not to be found in those thanas.

"It appears to be the general opinion that where an official is appointed chairman of a local board or branch committee, he should not have a vote, but if a non-official he should be allowed to vote.

"As regards travelling expenses, I think it would be advisable not to prohibit payment on that account to members living at a distance of more than 10 miles from the head-quarters of the local board or branch committee, at least for one meeting in each quarter. In some cases the cost of travelling might be felt as burdensome, and it is better not to place obstacles in the way of a fair trial of the new system.

16. "The scheme which is put forward in this report gives a considerable measure of liberty for self-government, and quite as much, I think, as the peculiar character of the district will allow. Being far removed from the centres of civilization, and with only limited means for communication with the outer world, the people, as a rule, are in a backward condition, and but slightly prepared for self-government. To go further than is now proposed in the direction of self-government would be rash and only court failure.

"I beg to apologize for the delay in submitting this report which has been caused by the shorthandedness of the staff of subordinates and other unavoidable circumstances."

17. As I am but little acquainted with the general circumstances of the Backergunge district, I have given the report of Mr Fiddian, the Magistrate, in its entirety. It appears to me that the district should be classed as one coming under (2) of paragraph 8 of the Government circular. A local board for the Sudder sub-division of Burrisal being established with 18 members, three to be elected by each of the six thanas of which it is comprised, I do not see any advantage in having branch boards at the places suggested by the Magistrate; nor do I think that in this district there could be two local boards established within the Sudder sub-division.

MYMENSINGH DISTRICT LOCAL BOARD.

As regards Mymensingh, I submit extracts from my own report made as Magistrate of that district.

2. "I will premise by saying that this part of the country is probably as backward in matters of education and civilization as almost any in India. We are here at least a quarter of a century behind districts like the 24-Pergunnahs and Hooghly and similar districts near the metropolis; there are no railways and steamers are rare, and the residents of the district have little intercourse with the outer world; there are no great staples of manufactures such as tea, indigo, or silk to bring in capital and enterprise, and create new ideas among the indigenous population. I must confess therefore I should prefer to see the experiment of local self-government tried first in the more advanced parts of the country before it is extended to this district which is decidedly of the nature of a rural district as described in paragraph 8 of the Government circular.

3. "As regards the district generally, I am disposed, as said before, to see the results of the experiment in more civilized parts of Bengal before seeing it tried here; but if the scheme is to be tried at all, it should be tried first in the Sudder sub-division only. Members for this sub-division might be elected to sit at the general district board as that recommended to be instituted in my letter No. 5T, dated 12th December 1881, a copy of which is appended for ready reference. I will, if this is approved, submit lists as approximately correct as can be got ready from our office records on such short notice showing the names of persons paying license tax and road cess to the amount of Rs. 10 and upwards per annum, or possessing property to the value of Rs. 500 and upwards, residing within the jurisdiction of the Sudder sub-division. I would propose that all such persons should have one vote for every Rs. 10 of tax paid by them, or for every Rs 500 worth of property held by them. Thus a payer of Rs. 50 license tax would have five votes, or a zemindar or talookdar possessing Rs. 5,000 worth of property have ten votes, and so on.

4. "If you approve of this plan as to the introduction into the Sudder sub-division of the elective system as recommended by me, I will submit the list of persons eligible as voters and members, and a further detailed report at an early date. All persons paying Rs 25 as road cess or license tax and upwards per annum, or possessing other property to the value of Rs. 1,000, and upwards, might be made eligible for election to be members of the local board.

5. "As to the office of chairman of the local board, I shall adhere to the views expressed in my report No. 5T, dated 12th December 1881. I think for some time to come yet, the only officer who can be chosen as chairman is the district officer (the Magistrate and Collector). In this backward part of the country, unless the local board is presided over by him, matters would very soon come to a dead lock; it is difficult enough to get things done as it is."

6. With reference to the above extracts it will be seen that it is doubtful whether Mymensingh should be entered under (1) or (2) of paragraph 8 of the Government circular.

7. Having had now before me the reports from the Backergunge and Furreedpore districts, I would recommend that as in those districts a local board should be established for the Sudder sub-division, which comprises thanas Kotwali, Iswargunge, Fulpore, and Guffurgow. This area contains the largest number of educated and well-to-do persons. Three

members might be elected for each thana, giving a total of 12 members for the board. According to the scale laid down by His Honor the Lieutenant-Governor, the number of voters will, it is roughly estimated, be 773, and persons eligible as candidates 181. The chairman should, for the present, be, I think, the district officer or the Joint-Magistrate at the Sudder, as I am certain a properly qualified chairman, who would devote himself thoroughly to the work, could not be found. As I have said elsewhere, the zemindars and merchants, the best men for the post, will never give up sufficient time to the work, and as to men of independent means, who would take the trouble, there are none.

GENERAL.

With reference to paragraphs 10, 12, 14 of the Government circular in which I have been called on to give my opinion on certain specific points, I have the honour to add the following memorandum.

2. As to modes of voting, many of my correspondents have laid great stress on the necessity of allowing what they term "an intellectual qualification," by which they mean that all persons who have attained a certain educational standard, such as graduates of universities, diplomaed physicians, pundits, and others, should have votes purely on the ground of their being such, and quite irrespective of their having any property within the municipality or district within which the election is to take place. Some also hold that such persons should be eligible for candidature as members, solely on the ground of their intellectual capacity as proved by their being graduates, &c. This idea as to an intellectual qualification seems to be very popular, but I can hardly say that it seems to be one that can be recommended for adoption as the election of such members by such votes would tend to cause the primary object of the boards, viz. the looking after local matters and interests, to be quite lost sight of.

3. As regards paragraph 12, the license tax assessments in most towns would far exceed any charges that Government could transfer to the municipalities. The funds to be made over to boards might be, besides those derived from pounds and ferries, and the primary education grants, a portion, say one-half, of the road and public cess funds, estimated to be levied within the area of the local board's jurisdiction. This would, I think, furnish them with requisite funds. Municipalities have ample funds or means at their disposal for increasing taxation for any particular object, and it is only in the case of local boards that any special funds will have to be provided. I think if local boards are to be saddled with the cost of drainage, and other such more or less costly schemes, they will be entitled to have a portion of the public works cess made over to them for expenditure.

4. As regards paragraph 14, I have noted before in the report on the Dacca district some of the points on which I am of opinion sanction to their acts should be obtained by local boards such as—

(*a*) The appointment of employés up to and beyond certain amounts of salary.

(*b*) The maximum amounts to be expended on any one work by a board without the sanction of Government, or a board or controlling officer.

(*c*) The raising of loans and rules thereto might be provided for in the Act and not left to be laid down in rules, which might be disregarded by independent bodies, such as the future local boards.

(*d*) The manner in which appointments are to be made of employés of the boards must be, I think, carefully laid down, so as to prevent jobbery and abuse of patronage, as there will be none of the many appeals which are now allowed to discontented candidates for employment.

(*e*) All appeals from employés dismissed or degraded might be allowed to some controlling authority.

No. 2484, dated Dacca, the 12th September 1882.

From—E. V. WESTMACOTT, Esq., Officiating Magistrate of Dacca,
To—The Commissioner of the Dacca Division.

WITH reference to your No. 242 of 10th July 1882, with enclosure as per margin, and also with reference to your No. 263 of 24th July 1882, on the same subject, I have the honour to report as follows respecting the introduction of the principle of local self-government into the district of Dacca.

Bengal Government (Financial) No. 5TM of 5th July 1882.

2. The district is divided into four sub-divisions including the central or head-quarters one. The city of Dacca forms a large and important municipality of the first class; Naraingunge another, which, although now only of the second class, is of growing importance, being a place of increasing commerce, and ought to be raised to the first class. The reason of its being now in the second class only is that the last census was taken in the month of February, when the jute trade is quite at a standstill, and a very large proportion of the ordinary population is absent. I am sure that a census taken in the month of August would shew the population to be sufficient to satisfy the legal requirement for raising the municipality to the first class.

3. The head-quarters station of the Manikgunge sub-division now forms a municipal union, but being nothing more than a group of villages, may, I think, be abolished.

4. The head-quarters sub-division consists of four thanas with a population exclusive of the city of Dacca as follows:—

	Population.
Thana Lalbagh	244,448
„ Sabhar	174,831
„ Kapasya	119,515
„ Nowabgunge	160,235
Total ...	699,029

The Naraingunge sub-division consists of three thanas with population exclusive of the town of Naraingunge as follows:—

	Population.
Thana Naraingunge	91,252
„ Roopgunge	164,159
„ Raipura	202,738
Total ...	458,149

The Moonsheegunge sub-division consists of two thanas with population as follows:—

	Population.
Thana Moonsheegunge	243,463
„ Sreenogor	275,984
Total ...	519,447

The Manikgunge sub-division consists of three thanas with population as follows:—

	Population.
Thana Manikgunge	184,196
„ Jafargunge	143,012
„ Harirampur	100,009
Total ...	427,217

5. I hope that it will be practicable to introduce the elective system into the two municipalities of Dacca and Naraingunge and to form a local board, also on the elective system, in each of the four sub-divisions. I will proceed to discuss the condition of each in detail.

6. Appendix A gives certain questions which I circulated among sub-divisional officers and others, and I give below the substance of the replies I received with my own opinion upon them.

CITY OF DACCA.

7. Appendix B is the reply of Mr. A. C. Tute, Vice-Chairman, to my questions. Dacca is among the most advanced places in Bengal, and if any town or tract in the country is ready for the introduction of the elective system it is Dacca. Ever since the subject of local self-government was mooted a certain section of the people of Dacca has taken an interest in it, and on the 24th July a meeting was held by a body, calling itself the Peoples' Association, at which there was a considerable amount of declamation on the subject in presence of a large concourse of people. On the 3rd August I called a meeting of rate-payers of the municipality, and addressed them for three quarters of an hour, endeavouring to explain the nature of the proposals of Government, to point out what it was necessary for the people themselves to do, and the precautions which I thought advisable to prevent local self-government being either a failure or a sham. Addresses to the same effect were given by a Deputy Collector in Bengali and by the Superintendent of the Madressa in Hindustanee, with both of whom I had previously discussed the subject.

8. There is no doubt that a large section of the community represented by the aforesaid Peoples' Association is eager for the introduction of an elective system and for the appointment of a non-official Chairman. This section consists of the men who have received an English education—pleaders, clerks, school-masters, and the like—and who form almost the only class which makes its wants known by public declamation or by writing in the public newspapers. I must not, however, conceal the fact that there is in the background a large mass of people with less English education, but by no means wanting in intelligence, and including the principal portion of the Mahomedan citizens who view the movement with distrust if not with dislike. These people are averse to coming forward in public affairs, and I think it very doubtful whether they will exert themselves to obtain a fair share in representation, and whether they will not at least at first leave a monopoly of representation to the Hindoos who have received an English education, but who possess by no means so large a stake in the country as others who do not make themselves so prominent.

9. This is to be regretted, but I think it an evil that will gradually correct itself. Either the representatives will so manage affairs as to satisfy the quiet people who at first hold aloof from electioneering, or they will manage them so little to their liking that in future elections these people will see the necessity of exerting themselves to come forward and to secure representatives of their own. This appears to me an argument in favour of electing representatives at first for a short period only, certainly not more than two years, and perhaps not more than one.

10. Representation should be by dividing the city into wards, each ward electing one or more representatives. The city has been divided into seven blocks for conservancy arrangements, and I am not aware of any better system on which to divide it into elective wards, and I would suggest the adoption of these seven blocks as elective wards.

11. Mr. Tute has suggested that no person paying less than eight annas monthly house-rate should be allowed a vote. Should this qualification be adopted, the number of electors in each ward is estimated to be as follows :—

Ward No. 1	...	...	...	321
„ „ 2	...	...	...	472
„ „ 3	...	...	...	112
„ „ 4	...	...	...	176
„ „ 5	...	...	...	310
„ „ 6	...	...	...	104
„ „ 7	...	...	...	141
		Total	...	1,636

Accordingly, Mr. Tute proposes that wards 1, 2, and 5 should return each three representatives, and 3, 4, 6 and 7 each two only. I think some such recognition of the difference in importance of the wards is advisable, but the numbers Mr. Tute proposes would give 17 members for the municipal board which appears rather a large number. Perhaps it would be enough if the larger wards elected each two representatives, and the smaller one, giving a total of ten.

12. The next point to be considered is the qualification of voters.

13. In Burdwan and Krishnanagor, under the rules of 1875, every rate-payer was allowed a vote, and I believe the same was the case in Serampore; but in this latter municipality, at all events, I hear that this system worked very badly, and in the revised rules of 1880 the payment of Rs. 4 at least as annual house-rate was made a necessary qualification. I am of opinion that the payment of a certain minimum amount of tax should be insisted on as the qualification of an elector. It would be very easy to lower the franchise hereafter if found desirable, and I think Mr. Tute's figures shew that the payment of eight annas monthly would qualify a sufficient number of electors in each ward to secure fair representation. Out of a total population, including women and children, of 82,210, 1,636 men would have votes, or perhaps about one in every 20 adult males. I find, however, that in Dacca the landlord frequently pays the municipal rate collecting it from the tenants, and consequently the tenant, not appearing on the books as a rate-payer, would not be entitled to a vote. I would therefore recommand that the occupation of a house of such annual value as involves the payment of a monthely rate of at least eight annas, should be as good a qualification as the actual payment of that rate. I think this measure would probably raise the number of electors to about 2,500.

14. Next must be considered the division of the vote among the several co-sharers, where a qualification is possessed *ijmali*, or jointly among co-parceners. Taking eight annas as the qualification, I would say that two persons having equal shares in a holding rated at one rupee, or four persons having equal shares in a holding rated at two rupees, should each be qualified electors, and that any person whose contribution to the rate on the holding in which he has a share would in due proportion to his share amount to eight annas, should be a qualified elector. Respecting this question I do not think it difficult to decide.

15. It is less easy to say what should be done in the case of holdings paying a monthly rate of eight annas, or perhaps much more, held by several co-sharers, not one of whom would in proportion to his share con tribute so much as eight annas monthly. It appears to me that unless as many co-sharers as between them would contribute eight annas join in appointing a representative, it would be impossible to allow a holding so sub-divided to qualify an elector at all.

16. I would give no vote to any but adult males of sound mind, but I do not think residence in the ward, or in the municipality, or a knowledge of reading and writing, should be essential. Many highly intelligent natives cannot read or write, and so long as a man contributes a certain amount to the rates, I think he should have a voice in the election of the persons who spend those rates wherever he may live.

17. Much clamour has been raised in favour of giving a vote to educated persons irrespective of other qualifications. Respecting this I shall have something to say presently, when discussing local boards in the interior; but as regards a municipal board, where the expenditure of municipal rates is in question, I would allow no vote to any person who does not in some way contribute a certain amount to these rates.

18. Bearing in mind the distrust felt by natives of anything new, and the ignorance even among their leaders of electioneering tactics, I am prepared to find that at first only a small proportion of the qualified electors will come forward to register their votes. It would be ridiculous to hold a candidate duly elected if only half a dozen or a dozen votes were recorded, and I think that the record of a certain minimum proportion of the available votes should be a necessary condition of proper election. I do not mean that this minimum number should be recorded in favour of any one candidate, but that it should be recorded at the polling place for the various candidates. I find it by no means easy to say what should be the minimum proportion of available votes the record of which should be necessary to make an election valid, and I think it would be better that no election should be valid until confirmed by Government. A comparison would then be possible as to the amount of interest taken in the matter by different wards and by different municipalities or elective areas, and it might be decided by such comparison whether in any particular place the elective system had failed or not. I think this would be better than prescribing a fixed proportion beforehand.

19. At this point comes in a practical difficulty in ascertaining what the real number of qualified voters might be, for the same reason which would, I believe, prevent voters coming forward would also probably prevent the registration of their qualifications, and I believe the register of rate-payers by no means represents the number of really qualified persons. The heirs of deceased persons, for instance, or purchasers of holdings, often continue to pay the rates without any transfer of names on the books. I fear that the registers of rate-payers will continue to be the only registers of qualification of electors, though by no means representing the truth, and I can only hope that electors will gradually apply for correction of the said registers under section 100 of Act V, 1876.

20. On the 14th August 1882 a petition was presented to His Honor the Lieutenant-Governor of Bengal for the introduction of the elective system purporting, under section 16 of Act V, 1876, to be signed by one-third of the rate-payers; but the petitioners themselves express a fear that their names will not be found registered on the municipal registers of rate-payers. I have therefore addressed to them a letter of advice recommending application for correction of the registers, under section 100 of the Act aforesaid, by registration of the names of those who are now actually rate-payers.

21. I believe that this correction of the registers and preparation of correct lists of duly qualified electors will be very laborious, if the canvassers understand how to make the electors bestir themselves. I think it may be confided to a sub committee of the present Municipal Commissioners in each ward, and, from an expression used in the petition above referred to, I hope volunteers will come forward to assist them as assessors. The expression used appears to indicate a feeling of distrust of the Magistrate, who, the petitioners presume, would himself undertake the scrutiny of qualifications in a hostile spirit. This proceeds from an utterly unfounded assumption that I, as Magistrate, wish to throw obstacles in the way of the introduction of an elective system which is of course not the case, and I do not understand the object of the persons who are industriously fostering such an assumption and dishonestly misrepresenting my attitude.

22. The polling should be held by a sub-committee of Municipal Commissioners in each ward. I think that voting papers should be distributed among the electors beforehand; but that in case they did not understand how to fill them up it might be done for them at the polling place. In every case, however, I hold it most essential that the elector should personally present himself at the polling place to be identified, and that in addition to filing the voting papers, the Polling Committee should enter in the register, opposite the elector's name, the candidate or candidates for whom he votes.

23. I should have mentioned before that I would give each elector as many votes as there are representatives allowed for his ward. If the ward returns three representatives, he would have three votes; if one, he would have only one vote; but in no case should he be allowed to give more than one vote for any one candidate.

24. I do not think it necessary now to go further into the details of polling rules, but looking to the Calcutta rules published in the *Calcutta Gazette* of 30th August 1881, I may briefly note that, premising that the actual presence of the elector at the polling place is essential, rules 17, 19, 21, 22, 23, 24, 25, 26, and 27, with some modification, appear applicable.

25. Mr. Tute advocates the qualification of electors otherwise than by contribution to the rates, by payment of license tax, and by the receipt of a certain income. To this I object altogether. I consider contribution direct or indirect to the municipal rates an essential qualification.

26. It remains to consider whether eight annas being the minimum rate the payment of which should qualify an elector, the payment of a larger sum should give more votes than one. Bearing in mind the principle that contribution to the rates should qualify, I see no objection to allowing a larger number of votes to the larger contributors, so that the payment of one rupee should give two votes, of two rupees four, and so forth; but I think a limit desirable, and would allow no elector more than ten votes in any one ward for any one candidate, whatever the number of his holdings or the amount of his contribution to the rates.